

REPORT

Of the select committee to whom was referred the Message of the President of the United States, in relation to the representatives of the late Caron de Beaumarchais.

FEBRUARY 16, 1824.

Read: Ordered, that it lie upon the table.

The committee to whom was referred the message of the President of the United States, in relation to the representatives of the late Caron de Beaumarchais, submit the following

REPORT:

The claim of Mr. Beaumarchais' representatives against this Government is the only unsettled item of a large account for military supplies, furnished by him to this country, during the first years of the war of Independence. It amounts to one million of livres, exclusive of interest, and arises from a charge made by the accounting officers of the Treasury, against Mr. Beaumarchais, of that sum, received by him from the French Government, on the 10th of June, 1776, for the use of the United States, but for which the claimants, not denying that he so received it, insist, that he has already accounted to his own government, to whom alone he was accountable. Against this charge, which they allege to be equally unwarranted by the justice of the case and the established rules of evidence, they have been seeking relief from Congress, from the year 1805, (when the final settlement took place,) to the present day.

In the absence of more positive and satisfactory evidence, on the matter in controversy, it has been found necessary, by all those who have successively investigated the subject, to refer to numerous official letters and documents; many of which have little direct bearing on the question, but, taken in connection with others, shed some light on a subject that is however yet involved in obscurity, and will, probably, ever so remain.

A brief abstract of the history and progress of this claim, as furnished by these documents, annexed to this report in the order of their

dates, may conduce to a better understanding of the subject, and shew the grounds and principles on which the committee has come to its conclusions.

Early in the year 1776, Mr. Beaumarchais called on Mr. Arthur Lee, then a secret agent of the United States in London, and requested him to communicate to Congress, that the Court of France was disposed to assist the Americans, with money and arms, to the amount of 200,000 louis d'or, which should be sent through any of the Islands in the West Indies that should be agreed upon. At the next interview, he requested that a small quantity of tobacco, or other commodity, should be remitted, to give the intended aid the air of a mercantile transaction. Cape Francois was settled between them as the channel of conveyance, and it was agreed, that Mr. Beaumarchais should carry on his correspondence with American agents, under the fictitious signature of Roderique Hortales & Co.*

Soon after this, Mr. Silas Deane arrived in Paris, as a commissioner from the secret committee of Congress, for the purchase of clothing and military stores, and in July, 1776, he and Mr. Beaumarchais, under the name of Hortales & Co. arranged the terms under which the supplies were to be furnished. Mr. Beaumarchais, it may be observed, was not a merchant, but, being distinguished for his wit and literary talents, was in great favor at the Court of Louis the 16th.

In the latter end of 1776, Dr. Franklin, Mr. Deane, and Mr. Arthur Lee, were appointed joint commissioners from the United States to the court of France, and, in the course of this and the following year, eight cargoes were shipped by Mr. Beaumarchais to the United States, either directly or through the West Indies, which, exclusive of freight, insurance, and other charges, amounted to upwards of three millions of livres. During the same, and the three following years, remittances were made to Mr. Beaumarchais, in tobacco and other home productions, but to a small amount in proportion to the value of his supplies.

In 1777, two millions, in four instalments of half a million each, were advanced by the Royal Treasury, on the receipt of the American commissioners, to Mr. Grand, their banker in Paris; and, in June of the same year, a million was received, in the same mode, of the Farmers General.

During this time, there seemed to have been some uncertainty about the character of these supplies, on the part of the American commissioners, who supposed them partly furnished by the King of France, either as a loan or gratuity, and partly by Mr. Beaumarchais.

This opinion, which originated in the first communication to Mr. Lee from Mr. Beaumarchais, was strengthened by the repeated assurances made to them by the French Minister, that no return was expected for these supplies, and because most of the military stores were taken from the King's arsenals. Nor were the remittances

* Documents, Nos. 4, 5, 6, 7.

which were claimed by Mr. Beaumarchais, and occasionally made, at all inconsistent with the supposition; as it had been part of the original plan, to give the assistance afforded by France to the United States, the character of a commercial transaction, for the purpose of concealing it from the British Government. On this subject, there was an evident diversity of opinion among the commissioners.

Mr. Lee always seemed to think that the supplies were furnished by the court of France. Mr. Deane considered that they were furnished by Mr. Beaumarchais, on his own account. And, in February, 1778, Dr. Franklin and Mr. Lee, in a letter to the secret committee of Congress, recommend Congress to leave Mr. Beaumarchais' demand to be settled by them in Paris, as there was in it a "mixture of public and private concern," which Congress could not so well develope.

In September 1778, the American Commissioners, Dr. Franklin, Mr. Lee, and Mr. Adams, wrote to the French minister Count de Vergennes, to ask his advice relative to ratifying a contract with Hortales & Co. for further supplies, and to make inquiry of him concerning the supplies already furnished. They say, that both they and the people of America, have generally understood they were under obligations to his Majesty, for the greater part of the supplies, and that they cannot "discover, that any written contract was ever made between Congress, or any agent of theirs and the house of Roderique Hortales & Co. nor do they know of any living witness, or any other evidence, whose testimony can ascertain as to who the persons are, who constitute the house of Roderique Hortales & Co. or what were the terms upon which the merchandise and munitions of war were supplied, neither as to the price, nor the time or conditions of payment." They profess their readiness to settle the accounts, and their willingness to discharge the obligation, as soon as providence shall put in their power.

To this letter, Mons. De Vergennes replied, that the King had furnished nothing; that he simply permitted Mr. Beaumarchais to provide himself from the Royal Arsenals, on condition of his replacing the articles, and that he would interpose to prevent the United States from being pressed for reimbursement of the articles of a military nature.

From this time, Mr. Beaumarchais was recognized as the creditor of the United States for the whole amount of these supplies, and payments were made to him, partly in tobacco, but principally in bills of exchange, drawn in his favor on our minister in France, which, including the remittances previously made him, amounted in all, to upwards of three and a half millions of livres.

In April 1781, Mr. Beaumarchais had a general settlement of his accounts with Mr. Silas Deane, in Paris; but this settlement not being ratified by Congress, and Mr. Deane's authority to make it being denied, Mr. Barclay, who was sent to France as Consul General, was invested with power to settle the accounts of Mr. Beaumarchais. He, for some time, refused to make a new settlement, insisting

on the one previously made with Mr. Deane, but he finally consented, and one was made in 1785, subject, however, as it appears, to the ratification of Congress.

The length of time required to examine the numerous details of Mr. Beaumarchais' accounts, and the difficulty of agreeing on various charges for commission, freight, and insurance, concerning which, there was neither a previous contract nor an unvarying standard, may fairly account for the delays experienced by Mr. Beaumarchais, in the final adjustment of his accounts, both by Congress and its agents, till 1787, when, by the developement of a new fact, a difficulty occurred which has outlived every other, and which has laid the foundation of the present claim.

In February, 1783, Dr. Franklin entered into a contract or treaty, with the Count de Vergennes, relative to the loans and subsidies made by France to the United States, by which he acknowledged on the part of the United States, three millions before the treaty of February 1778, and six millions in 1781, as the gratuitous gift of the King.

In July, 1786, on a settlement with Mr. Grand, our banker at Paris, it was discovered that he had given the United States credit but for two millions received before 1778, instead of three as was stated in the treaty of February 1783. Dr. Franklin, conceiving his character might be implicated by this important variance, wrote to Mr. Grand for an explanation, and suggests that the million furnished ostensibly by the Farmers General, might have been a gift of the Crown. Mr. Grand in September following, answers, that he had applied to Mr. Durival, the principal of one of the departments of Finance, for a solution of the difficulty, who had stated that there had been an advance from the Royal Treasury of one million, on the 10th of June, 1776, in addition to the two millions advanced in 1777, and which Mr. Grand had received. It further appears, that, this answer of Mr. Durival not being satisfactory, Mr. Grand applied to him for a copy of the receipt of the million advanced in June, 1776, to which Mr. Durival replied, that he had laid Mr. Grand's letters before the Count de Vergennes, who constantly replied that the copy of the receipt he required, had no relation to the million received from the Farmers General, nor to the business with which he had been entrusted by Congress, and it would be useless to give it to him. On which, Mr. Grand observes, that he could not conceive the reason for this reserve.

In January, 1787, Dr. Franklin, on receiving these letters from Mr. Grand, communicated them to Mr. Charles Thompson, Secretary to Congress, and adds, that he conjectures the person who received the million in June 1776, must be Mr. Beaumarchais, and that it was a cabinet secret, (*"a mistere du cabinet,"*) which, perhaps, should not be further inquired into, unless necessary to guard against more demands than may be just from that agent. For, it may well be supposed that if the court furnished him with the means of supplying us, they may not be willing to furnish authentic proofs of such a transac-

tion so early in our dispute with Britain." He inquires if Mr. Beaumarchais continued to press his demands, and adds, "It is true the million in question makes no difference in your accounts with the King of France, it not being mentioned or charged as so much lent and to be repaid, but stated as freely given. *Yet if it was put into the hands of any of your agents or ministers, they ought certainly to account for it.*"

In the course of the same year, Mr. Beaumarchais addressed Congress on the subject of his account; and, whether it was because its style gave offence, as he states in his own memorial of 1795, or the belief which now prevailed, that he had received the million that had lately come to light, no notice seems to have been taken of his application, until 1789, when his accounts were referred to the Board of Treasury, a committee of the old Congress, consisting of Mr. Arthur Lee, Mr. Livingston and Mr. Osgood, who report, among other things, that the balance claimed by Mr. Beaumarchais, on his account, certified by Mr. Deane in 1781, then amounted to about 900,000 dollars, and that the debits against the United States had no other voucher to support them, but the certificate of Mr. Deane. They make various deductions, for charges of commission, insurance, and two of the cargoes said not to have reached the United States, and find a balance due the United States, of, livres, 742,413 9. 5, "exclusive of the one million of livres, which (if received by Mr. Beaumarchais from the court of France) must be added thereto;" and they submit two resolutions—1st. That the settlement with Mr. Deane, in April, 1781, was not binding on the United States; and, 2d. That Mr. Beaumarchais settle his accounts at the Treasury of the United States, and be required to transmit the necessary vouchers in support of the same.

After the new Constitution went into operation, Mr. J. A. Chevallié, as the agent of Mr. Beaumarchais, applied to the Treasury Department for a settlement of the accounts of his principal; and, in May, 1793, the Auditor certified, that the same had been examined and adjusted by him. He adverts to the decision of the Board of Treasury, in 1788, and makes a different, and, as the committee think, a correct decision on the contested questions, of insurance, commission, charges of merchandise, and the two cargoes erroneously supposed not to have reached the United States; and he finds the balance due to Mr. Beaumarchais to be, livres, 2,280,231 17. 8. But he subjoins a note, that the million which had been advanced by the French Government, on the 10th June, 1776, to *somebody*, had been, probably, received by Mr. Beaumarchais, and he therefore recommends, that the payment of the balance found due from the United States, should be suspended until "some further measures could be taken," to clear up the mystery. This report seemed to have received the sanction of the Comptroller and Secretary of the Treasury.

In June, 1794, Mr. Gouverneur Morris, then our minister to the French Republic, addressed a note to Mr. Buchot, the Commissary of Exterior Relations, for information relative to the million advanced in June, 1776, to whom it was paid, and for what objects expended, with the avowed purpose of opposing this sum against the claims

of Mr. Beaumarchais, in case he should have been the person who received it. In reply to which, Mr. Buchot sends a copy of a receipt, dated the 10th of June, 1776, and given by Mr. Beaumarchais, for one million of livres, paid by the order of the Count de Vergennes, and to be accounted for to him: which receipt, Mr. Buchot remarks, "appears to be the one necessary to the United States, in adjusting their accounts."

After the disclosure of this receipt, no doubt seemed to be entertained, that Mr. Beaumarchais was the person who had received the million of livres, advanced for the use of the United States, in June, 1776, and he was held accountable for that amount by the accounting officers of the Treasury, though the charge was earnestly resisted by Mr. Beaumarchais, in a long and eloquent memorial, addressed to the President, in 1795, as, also, by his agent, before and after his death, in 1799, and was, in 1802, the subject of a remonstrance from Mr. Pichon, the chargé de affaires from France to the United States.

In 1805, the accounts of Mr. Beaumarchais were definitively settled by the Comptroller, and after charging him with the million received on the 10th June, 1776, with interest from that date, a balance of 222,046 12. 2, equal to \$41,119 74, was found due him on the 1st January, 1791.

In 1806, Madame Eugenie Beaumarchais de la Rue, the only daughter and heiress of Mr. Beaumarchais, by a memorial presented through her agent, made an appeal to Congress from the decision of the Treasury Department, which has been renewed, from time to time, to the present period.

The several reports which have been made by the committees to whom this claim has been referred, as they contain nearly all the arguments that can be urged, either for or against its merits, are annexed to this report, and they may be here briefly noticed.

In 1806, the Committee of Claims made an unfavorable report, except as to the balance of \$41,119 74, which, with interest from the 1st January, 1791, was paid to the claimants.

A note from Gen. Turreau, the French Minister, accompanied the petition of the claimant, in which it was stated for the first time, that, in consequence of a minute search in the records of the Department of Foreign Relations, there had been found in a file, entitled "United States," a receipt of Mr. Beaumarchais of the 10th of June, 1776, for a million, which was "given to him by orders from the King, for an object of secret political service of which he reserved the knowledge to himself," as well as the account rendered in the same year, by Mr. De Vergennes to the King, of the application of that sum, in conformity with his instructions. This communication was accompanied by observations and arguments on the part of the minister, in favor of the claim.

In the following year, the President, by a message dated February 6th, 1807, again brought the subject to the notice of Congress, and at the same time communicated a note from the French minister, together with his answers to the objections which had been made to the

claim, in a letter from Mr. Gallatin, Secretary of the Treasury, addressed to the committee of the preceding year. The note from the minister thus concludes: "The present Government of France has made all possible research, in order to enlighten its equity and its justice, in an affair which interests a family, whose head employed all the fortune which he ought to have left it, to the support of the American cause; and it is, after the most intimate conviction, that this sum is due to Mr. De Beaumarchais, that it has charged its minister plenipotentiary to declare now, that the million given on the 10th June, 1776, to Mr. De Beaumarchais, was employed in a secret service; that an account of it has been rendered to the King, and approved by him, and that it was not given on account of supplies furnished by the said Beaumarchais to the United States." The Committee of Claims to whom the subject was referred, on the faith of this declaration, made a favorable report; but as questions of law might arise in investigating the case, they recommended that the claim be submitted to the Secretary of State, with instructions to report to Congress at the ensuing session.

This course was adopted, and in December, 1807, the Secretary of State reported the opinion of Mr. Rodney, the Attorney General, on the question, whether the controverted million ought to be regarded as a legal payment by the United States, which opinion, after a full examination of the subject, was thus summed up, "that the plea of payment or discount could not be supported, unless collusion with Beaumarchais be attributed to the French Government; an idea inadmissible, and which could not enter into his view of the case."

In March, 1812, the subject was again referred to the Committee of Claims, who made an unfavorable report, in the words of the report of a former Committee of Claims in 1806, with the addition of a letter from Mr. Pinkney, then Attorney General, to the chairman of the committee, in which he says, that "viewing the question as a mere matter of law, he was compelled to say, that the title to the deduction insisted upon must be shown by the United States, and that the evidence would not be sufficient to establish it in a court of justice."

In January, 1817, the subject was "recommended to the favorable attention" of Congress, by a message from the President, who at the same time transmitted a letter from Mr. De Neuville, Minister from France, to the United States, in support of the claim, and the correspondence which had taken place during the preceding year, between Mr. Gallatin our minister in France, and the Duke de Richelieu, minister of foreign affairs, relative to the subject. The claim was referred to a committee who did not act on it. And in the following year, the present President of the United States, by a special message in January, 1818, gave the claim a similar recommendation. It was accordingly referred to a select committee, who, after a very elaborate report on the facts and merits of the case, decided in favor of the claim: but their decision was negatived by the House.

In March, 1814, a select committee made an unfavorable report on the claim.

In March, 1822, another message was received from the President, transmitting three letters from Mr. De Neuville on the subject of the claim, and recommending it to the favor of Congress as before, but the subject was not acted on.

At the succeeding session, this message was referred to a select committee, who on the 28th January, 1823, reported a bill in favor of the claimant, which for the want of time, passed only to a second reading.

It thus appears, that one Committee of Claims, two select committees, and two Attorney Generals have decided in favor of the claim, either on the ground of its justice, or of the illegality of the discount claimed by the United States, and that two Committees of Claims and one select committee have decided against it.

After the most attentive examination of the numerous documents in which the above mentioned facts are disclosed, the committee are of opinion, that, though the disposition of the million of livres received by Mr. Beaumarchais, in June, 1776, is involved in some uncertainty which may never be entirely dispelled, yet they think there is strong persuasive evidence, that it was meant by the King of France to assist Mr. Beaumarchais in the purchase of those supplies with which he furnished the United States. In support of their opinion, they rely on the following facts: The first offer of the French Government to render secret assistance to the United States, was made through Mr. Beaumarchais. The amount of supplies which he afterwards furnished, was far beyond his apparent resources; and his former habits and pursuits though they comported very well with the character of a secret political agent, rendered him but ill qualified for commercial transactions. Most, if not all the articles of a military nature, were taken from the King's arsenals. The opinion, that the supplies were furnished principally, if not altogether by the King, was entertained for two years by the American Commissioners, who were on the spot. The repeated declarations of the Minister himself, to the same effect, as evinced not only by repeated letters from Mr. Arthur Lee, but by the joint letters of the three Commissioners to the Secret Committee of Congress, dated 7th October, 1777. The presumptions arising from these facts, receive the strongest confirmation, from the letter written to the Count De Vergennes to Louis the XVIth, dated May 2d, 1776, which is taken from the history of the French diplomacy, and believed to be authentic, in which he speaks of being authorized by the King, "to furnish a million of livres for the use of the English Colonies," and of the transmission of the funds which his Majesty was pleased to grant the Americans, and of directing the necessary precautions to be taken, as if the proposed agent, Monsieur Montaudoin, advanced the funds on his own account. He mentions also, the reply he had made to Mr. Beaumarchais, which was evidently favorable and connected with the same subject; and states, the precautionary steps he had taken to prevent discovery, as it was of consequence that the operation should not be known, or "imputed to the government."

From this letter, it is clear, that the million here spoken of, was intended to be paid to the United States, and not to others, for some secret service; that Mr. Beaumarchais had a principal agency in the transaction, and that in speaking of the importance of secrecy, the language applies rather to those aids which state policy might wish to conceal from Great Britain, than to that species of political services which might involve the character of individuals, and the honor of the nation.

The same work affords another piece of corroborating testimony. In a letter from Louis the XVth, to the King of Spain, dated January 8th, 1778, he speaks of "succours of money and *other kinds*," which France had given the United States, the whole *ostensibly on the score of trade*.

To this mass of testimony which has been gradually elicited in the successive investigations on the subject, it is objected:

1st Objection.—That, whatever motives the French Government might have had before 1778, for concealing the advance of this million, it could have had none, after it had openly espoused the American cause, except those that are incident to all disbursements of secret service money.

To this it may be remarked, that, though the motives for concealment were much weakened after their open rupture with Great Britain, yet they might be supposed not to have entirely ceased after that event, for, as Dr. Franklin remarks, France might not be willing to furnish authentic proofs of such a transaction, *so early*, in our dispute with Great Britain; and that sagacious observer, considered this reason sufficient, to account for the mystery in which the "lost million" was involved. Besides, other facts have been concealed, long after any necessity for concealment could be supposed to exist. It was not until 1794, that the seemingly unimportant fact, that Mr. Beaumarchais was the person who received the money was communicated, nor until 1806 that it was declared to be for a secret political service.

2d Objection.—That, as the knowledge of this million grew out of the contract of February, 1783, long after Mr. Beaumarchais had been the creditor of the United States, he ought not to be affected by an instrument to which he was no party, and of which he had no notice.

The committee think, that so far as concerns this transaction, neither Mr. Beaumarchais nor the United States are bound by this contract. They, because they had no knowledge of the facts which have since been disclosed; and he, because he was no party. But, he is bound by his own receipt, taken together with that evidence, which shews the money to have been received for the use of the United States.

3d Objection.—That he has accounted for the disbursement of the money to his own Government, to whom alone he was responsible.

The only direct evidence of the fact, that Mr. Beaumarchais had accounted to his Government for the disbursement of the million received in June, 1776, is to be found in the paper subscribed by the King's own hand, dated December 7, 1776, in which it is stated, that the million of livres, "applicable to secret political services, had been "*applied to the purposes intended by the King.*" But granting, that this expression did not mean to refer simply to the payment of the money to Mr. Beaumarchais, but to that disposition of it which he should make; still it is not presumed, that any other evidence would be required of Mr. Beaumarchais, that the money had been applied to its intended purpose, than that he had actually purchased and transmitted the supplies, which evidence he could probably find no difficulty in furnishing at the date of the King's letter, as the three first cargoes, amounting to a million and a half, actually left France before the 5th of February, 1777; and one million of that sum may easily have been expended in their purchase, before the 6th of December preceding; and indeed, in Mr. Beaumarchais own letter to Congress, of the 1st December, 1776, he states the amount of his advances to be about one million. Besides thus satisfying his own Government that he had fulfilled its wishes, does not do away his obligation to account with the United States for the money received to their use, for that would enable him, in part, to frustrate, instead of fulfilling, the generous purposes of his Government.

4th Objection.—That, whatever may be the doubts about the fact, the evidence is not sufficient to establish a *legal discount* against Mr. Beaumarchais, in a case in which the burthen of proof lies on the United States.

If this were the case, the claim ought long since to have been settled by the accounting officers of the Treasury, as they would not probably feel themselves bound to allow any evidence in favor of a discount, that would be rejected by a court of justice. But, granting that they would, yet it must be recollected, that the settlement now complained of has received the sanction of three successive administrations, and Congress is applied to, not in the ordinary case of allowing a claim for which the law has made no provision, but to make a different decision, on a mere point of evidence, from that which has been made by the department, whose particular province it is to settle all accounts in which the government is a party, and whose functions best qualify it for the correct discharge of that duty. And, although the magnitude of the claim, and the acknowledged services of Mr. Beaumarchais, may warrant Congress in revising the decision of their accounting officers, yet, assuredly, they cannot be under any obligation, in exercising this extraordinary interposition, to pay the claim, so long as they have strong doubts of its justice.

But it is further contended, that the repeated declarations of the French government ought to outweigh the presumption arising from this mass of circumstantial evidence.

If, indeed, the proper functionaries of that government, who were privy to the transaction, had explicitly declared that this million had

not been used by Mr. Beaumarchais in the purchase of the supplies which he furnished to the United States, the comity and respect which ought to prevail between civilized nations in their friendly intercourse, might have bound us to receive the declaration as conclusive. But such is not the fact: the Count de Vergennes, who alone could speak from personal knowledge, so far from making such a declaration, did not mention, either at the time of the treaty of February, 1783, or when applied to, by Mr. Durival, in 1786, that Mr. Beaumarchais was the person who received the money. He says nothing even about its being for a secret political service. For aught that appears, he was not aware that the inquiry was material in our settlement with Mr. Beaumarchais, or was made for any other purpose than to exculpate Mr. Grand and Dr. Franklin. And this silence on facts, which have been since communicated, and which no considerations of national prudence or state policy required him, even then, to conceal, affords some presumption that he expected Mr. Beaumarchais would account for it, which is not indeed very strong, but is quite as much so as any other that is favorable to the claim. When, afterwards, in 1794, the receipt of Mr. Beaumarchais was brought to light, Mr. Buchot, the organ of the French government, who produced it, indirectly admits that Mr. Beaumarchais was accountable to the United States for its amount. If the subsequent declarations of Gen. Turreau and the Duke de Richelieu, to the contrary, have been in more positive terms, it is manifest that they do not speak from any personal knowledge of the transaction, but draw inferences from facts, of which we, having the same means of judging as themselves, have a right to make a different estimate.

Upon a full and candid review of the whole case, whatever may be our private wishes on the subject, and however it may be regretted that a controversy should arise in settling the compensation for the most important services, rendered with the most friendly sentiments, at a very critical period of the revolution, yet, if the case be regarded *as a mere money transaction between a private individual and this Government*, and be judged by the rules of secondary evidence, (the best being in the possession of the party or his government) the committee are compelled to say, that the accounting officers of the Treasury were justified in refusing payment of the million in question, and that the legislature would not be warranted in reversing their decision.

But the connection which this transaction has with the French government, and the delicate relation in which it places the United States with that government, are not to be overlooked in this controversy. They make, as the committee think, an essential alteration in its character, and create, on the United States, a new duty.

The amount of Mr. Beaumarchais' original claim is undisputed. It has been adjusted, by the officers of our own Government, to their own satisfaction, and the discount which we claim was not paid by ourselves, but, as we say, by the French government, by part of a voluntary gift to the United States. But that government says, that

the million which we seek to use as a discount, was expended for our benefit, in a purpose which both policy and honor forbid them to disclose, and that Mr. Beaumarchais, who was their agent as well as ours, ought not to be accountable to us for its disbursement. Now, however we may be inclined to think them mistaken, it seems to the committee, that the self respect of this nation will not permit it to dispute, with a donor, the character and object of his gift. On this question the wishes of France should supply the place of proof; and, as we received the declarations of the Count de Vergennes, in 1778, with regard to the military stores furnished by Mr. Beaumarchais, as conclusive; as, in 1783, we acknowledged the receipt of the million in question, without requiring any other evidence of the fact than the declaration of the French government, so now that it is disclosed that Mr. Beaumarchais was the person who received the money, we are equally bound to receive their declarations respecting it, and consider him as not chargeable with this million. For, if the French government is right, then we owe the money without a question; and, if it is mistaken, then, in paying the money, we merely return a part of the gift we received, rather than insist on applying it to a purpose to which the donor objects. And we should feel less hesitation in taking this course, as we thereby avoid the risque (which inferior evidence always implies) of injustice to the family of one whose meritorious services to this nation, in the hour of its utmost need, our foreign agents all concurred in acknowledging.

But, inasmuch as the obligation of the United States to pay this money, arises, in the view taken of it by the committee, from the relation in which we stand to the French government, and as that government has introduced the claim of Mr. Beaumarchais's heirs into the negotiation which has been for some time carried on, and is yet pending, between the two nations, with regard to the illegal seizures and confiscations made of the property of our citizens during the Imperial Government, the committee think that the claim had better be left to the friendly adjustment of the two Governments; and the rather, as, in the course of the negotiation, on the scene of the transaction, further facts may be developed to dispel the obscurity in which it is involved, and remove the doubts of either nation. With this view, they beg leave to submit the following resolution:

Resolved, That the claim of the petitioner, Eugenie Amelie Beaumarchais De la Rue, be referred to the Executive of the United States, to be adjusted in the pending negotiations between the United States and France, on such terms as they may think just and equitable.

PAPERS AND DOCUMENTS

In the case of the claim of heiress of Caron de Beaumarchais.

No. 1.

*Letter of the Count de Vergennes to Louis XVI. dated May 2d, 1776,
(Taken from the General History of French Diplomacy.*)*

Sire: J'ai l'honneur de mettre aux pieds de votre majesté, la feuille qui doit m'autoriser à fournir un million de livres pour le service des colonies Anglaises, si elle daigne la revêr de son approuve. Je joins pareillement, Sire, le projet de la réponse, que je me propose de faire au Sieur de Beaumarchais, si votre majesté l'approuve; je la supplie de vouloir bien ma la renvoyer tout de suite. Elle ne partira pas écrite de ma main, même de celle d'aucun de mes commis ou secretaires, J'y emploirai celle de mon fils, qui ne peut être connue; et quoiqu'il ne soit que dans sa quinzième année, je puis répondre affirmativement de sa discretion. Comme il importe que cette operation ne puisse être pénétrée, ou du moins imputée au gouvernement, je compte, si votre majesté le permet, mander ici le Sieur Montaudoin. Le pretext apparent sera de lui demander compte ses correspondances avec les Americains, et le motif réel de le charger de leur faire passer les fonds que votre majesté veut bien leur accorder, en les chargeant de toutes les précautions à prendre, comme s'ils en faisaient l'avance pour leur propre compte. C'est sur quoi je prends encore la liberté de demander les ordres de votre majesté. Cela fait, j'écirai à M. le Marquis de Grimaldi, je l'informerai avec detail de notre operation, et je lui proposerai de la doubler. Je suis, etc.

[TRANSLATION.]

SIRE: I have the honor of submitting to your majesty, the paper which is to authorize me to furnish a million of livres for the use of the English colonies, if you should deign to ratify it with your signature. I add to this, Sire, the draught of the reply which I mean to make to Mr. Beaumarchais; if your majesty should approve of it, I beg that it may be returned to me without delay. It shall not go forth in my hand writing, nor in that of any of my clerks or secretaries; I will employ that of my son, which cannot be known; and, al-

* This document was first exhibited in 1818.

though he is only in his fifteenth year, I can answer positively for his discretion. As it is of consequence that this operation should not be detected, or at least imputed to the government, I propose, if your majesty consents, to call hither the *Sieur Montaudoin*. The ostensible motive will be, to ask an account of his correspondence with the Americans, and the real one, to charge him with the transmission to them, of the funds which your majesty is pleased to grant them, directing, at the same time, all the precautions to be taken, as if he advanced the funds on his own account. On this head, also, I take the liberty of requesting the orders of your majesty. That being done, I will write to the *Marquis Grimaldi*, (Secretary of Foreign Affairs in Spain;) I will inform him in detail of our operation, and propose to him (*de la doubler*) to do the same.

No. 2.

TWO ARTICLES.

1st. A loan of one million ordered to be made in 1776, for secret political purposes of his majesty.

2d. An order to hold disposable the aforesaid one million, and to see that it be duly paid.

First Article.

M. de Harvelay will hold, subject to my orders, one million of livres, the which he shall not suffer to be taken out of his hands but on the receipt of the particular order which I shall send him in relation to it; the aforesaid million is for matters pertaining to the king's government.

DE VERGENNES.

Versailles, Saturday, May 4th, 1776.

Second Article.

M. de Harvelay will pay the bearer of this order one million of livres, agreeably to the decree of the 4th of May, of the present year; and he will deposit the proper acknowledgment. He will account for this advance, and interest thereon, in the statement which he will render at the close of this year, of the dispositions he shall have made of the moneys appropriated to foreign affairs.

DE VERGENNES.

Versailles, June 5, 1776.

Good for one million of livres.

[TRANSLATION.]

Copy of the Marquis De Lafayette's Certificate.

I do hereby certify, that the original papers, of which the above are exact copies, have been entrusted to me from the department of foreign affairs, with permission to have them copied; that the word *Bon*, at the bottom of the first piece, has been written by the king, Louis the 16th, himself; and that the two pieces signed *De Vergennes*, are totally written by that minister, both hands being well known to me.

LAFAYETTE.

Paris, 8th March, 1815.

I certify, that, being well acquainted with the hand writing of the Marquis De Lafayette, from whom I have repeatedly received letters, the above signature is in his proper hand writing. I further certify, that the Marquis showed me the original papers in Paris, of which the above is a copy; and then stated to me, as he has certified, that the word "Bon," was in the proper hand writing of the late king of France, Louis the 16th.

H. CLAY.

Washington City, 30th January, 1818.

No. 3.

[TRANSLATION.]

*Versailles, December 7, 1776.**Reimbursement of funds advanced for secret services.*

It is nearly six months since the king deemed it expedient to order the amount of *one million of livres tournois* to be advanced, applicable to secret political services of his administration, exclusively under his cognizance.

M. de Harvelay, keeper of the royal treasury, has made the advance out of his own funds, and the *amonnt* has been applied to the purposes intended by the king. It now remains for me to procure the king's orders for the reimbursement of the loan, with the accruing interest; with this view, I have the honor to propose to the king that 500,000 livres be refunded from the interest of public moneys, which I conceive may be disposable at the close of the receipts for the present year, and the remainder from that of those for 1777. Should

the king accede to this arrangement, I solicit his majesty to give it sanction by his act, and to authorize the issue of such orders as may be necessary for its consummation.

“ Good.”

No. 4.

Letter from Arthur Lee, Esq. to the secret committee of congress, dated Paris, August 16, 1777. Arthur Lee's private letter-book, vol. I. page 58.

PARIS, August 16, 1777.

I perceive, by your last letters, that you made a consignment to Hortales and Co. which, in fact, is to Mr. de Beaumarchais. I think it, therefore, my duty to relate to you all the facts relative to that gentleman, upon which you will judge how far it is fit to continue those consignments. About May, twelve month, Mr. de Beaumarchais was introduced to me in London, as an agent from the French court, who wished to communicate something to Congress. At our first interview, he informed me that the court of France wished to send an aid to America to the amount of 200,000 louis d'or, in *specie*, arms, and ammunition; and that all they wanted to know, was, to what island it was best to make the remittance, and that Congress should be apprised of it.

We settled the Cape as the place, and he urged me by no means to omit giving the earliest intelligence, that it would be remitted in the name of Hortales. At our next meeting, he desired me to request, that a small quantity of tobacco, or some other production, might be returned, to give it the air of a mercantile transaction; repeating, over and over again, that it was for a cover only, and not for payment, as the remittance was gratuitous. Of all this, I informed the committee by every opportunity.

At the same time, I stated to Mr. de Beaumarchais, that, if his court would despatch eight or ten ships of the line to our aid, it would enable us to destroy the British fleet, and settle the business at one stroke.

I repeated this to him in a letter, after his return to Paris; to which the answer was, that there was not spirit enough in his court for such an exertion, but that he was hastening the promised succors. Upon Mr. Deane's arrival, the business went into his hands, and the things were, at length, embarked in the Amphitrite, Mercury, and Seine.

Mr. de Vergennes, the Minister, and his Secretary, have repeatedly assured us, that no return was expected for those cargoes, or for what Mr. de Beaumarchais furnished us. This gentleman is not a merchant, but is known as a political agent, employed by the French Court.

Remittances, therefore, to him, so far from covering the business, would create suspicions, or rather satisfy the British Court these suspicions are just. At the same time, his circumstances and situation forbid one to hope, that your property, being once in his hands, could ever be recovered; and, as an attempt to force him to account, would hazard a discovery of the whole transaction, this government would, of course, discountenance or forbid it; these are the facts which I have thought it my duty to state to you. Your better judgment will direct you whether to continue the remittances or not.

I have the honor to be, &c.

A. L.

No. 5.

Extract of a letter from Dr. Lee, to the secret committee of Congress, dated

PARIS, 6th October, 1777.

“Upon this subject of returns, I think it my duty to state to you some facts, relative to the demands of this kind from Hortales. The gentleman who used this name, came to me about a year and a half ago, in London, as an agent from this court, and wishing to communicate something to Congress. At our first interview, he informed me, that the court of France wished to send an aid to America of 200,000 louis in specie, arms and ammunition, and that all they wanted was to know through which island it was best to make the remittance, and that Congress should be apprised of it. We settled the Cape as the place, and he urged me by no means to omit giving the earliest intelligence of it, with information that it would be remitted in the name of Hortales. At our next meeting, he desired me to request that a small quantity of tobacco, or some other production, might be sent to the Cape, to give it the air of a mercantile transaction, repeating, over and over again, that it was for a cover only, and not for payment, as the remittance was gratuitous. Of all this, I informed Dr. Franklin, chairman of the committee, by sundry opportunities; at the same time I stated to Mons. Hortales, that if his court would despatch eight or ten ships of the line to our aid, it would enable us to destroy all the British fleet, and decide the war at one stroke. I repeated this to him in a letter, after his return to Paris; to which the answer was, that there was not spirit enough in his court for such an exertion, but that he was hastening the promised succors. Upon Mr. Deane's arrival, the business went into his hands, and the aids were at length embarked in the *Amphitrite*, *Mercury*, and *Seine*. The minister has repeatedly assured us, and that in the most explicit terms, that no return is expected for these subsidies.”

No. 6.

Statement of a verbal report made to the secret committee of Correspondence, by Mr. Thomas Story, October 1st 1776. (being a copy of a paper which was before the Committee of Claims in 1808.)

Mr. Thomas Story (who had been sent by the Committee of Secret Correspondence, December 13th, 1775, to France, Holland, and England) reported verbally, as follows: On my leaving London, Arthur Lee, Esq. requested me to inform the committee of correspondence, that he had several conferences with the French ambassador, who had communicated the same to the French court; that in consequence thereof, the Duke de Vergennes had sent a gentleman to Arthur Lee, who informed him that the French court could not think of entering into a war with England, but that they would assist America, by sending from Holland this fall, 200,000*l.* sterling worth of arms and ammunition to St. Eustatius, Martinique, or Cape Francois; that application was to be made to the governors or commandants of those places, by inquiring for Monsieur Hortales, and that, on persons properly authorized applying, the above articles would be delivered to them.

Philadelphia, October the 1st, 1776.—The above intelligence was communicated to the subscribers, being the only two members of the committee of secret correspondence, now in this city; and on our considering the nature and importance of it, we agree in opinion, that it is our indispensable duty to keep it a secret, even from Congress, for the following reasons:

1. Should it get to the ears of our enemies at New York, they would undoubtedly take measures to intercept the supplies, and thereby deprive us not only of those succors, but of others expected by the same route.

2. As the court of France have taken measures to negotiate this loan and succor in the most cautious and most secret manner, should we divulge it immediately, we may not only lose the present benefit, but also render that court cautious of any further connection with such unguarded people, and prevent their granting other loans and assistance that we stand in need of, and have directed Mr. Deane to ask of them; for it appears, from all our intelligence, they are not disposed to enter into an immediate war with Britain, though disposed to support us in our contest with them; we, therefore, think it our duty to cultivate their favorable disposition towards us, draw from them all the support we can, and, in the end, their private aid must assist us to establish peace, or inevitably draw them in as parties to the war.

3. We find, by fatal experience, the Congress consist of too many members to keep secrets, as none could be more strongly enjoined than the present embassy to France; notwithstanding which, Mr. Morris was this day asked by Mr. Reese Meredith, whether Doctor Franklin and others were really going ambassadors to France, which

plainly proves, that this committee ought to keep this secret, if secrecy is required.

4. We are of opinion that it is unnecessary to inform Congress of this intelligence at present, because Mr. Morris belongs to all the committees that can properly be employed in receiving and importing the expected supplies from Martinico, and will influence the necessary measures for that purpose; indeed, we have already authorized William Bingham, Esq. to apply at Martinico and St. Eustatia for what comes there, and remit part by the armed sloop Independence, captain Young, promising to send others for the rest. Mr. Morris will apply to the marine committee to send other armed vessels after her, and also to Cape Francois, (without communicating this advice,) in consequence of private intelligence lately received, that arms, ammunition, and clothing, can now be procured at those places. But, should any unexpected misfortune befall the states of America, so as to depress the spirits of Congress, it is our opinion, that, on any event of that kind, Mr. Morris, (if Dr. Franklin should be absent,) should communicate this important matter to Congress, otherwise keep it until part of, or the whole supplies arrive, unless other events happen, to render the communication of it more proper than it appears to be at this time.

B. FRANKLIN,
ROBERT MORRIS.

Communicated to me this 11th October, 1776; and I concur heartily in the measure.

RICHARD HENRY LEE.

Communicated to me this 10th day of October, 1776; and I do also sincerely approve of the measure.

WM. HOOPER.

No. 7.

Copy of Count Lauragais' Testimonial.

[TRANSLATION.]

I was present in Mr. Arthur Lee's chambers, in the Temple, London, some time in the spring of the year 1776, when Mr. Caron de Beaumarchais made offers to Mr. Lee to send supplies of money and stores, through the Islands, to the Americans, to the amount of two hundred thousand louis d'or, and he said he was authorized to (prouver faire,) those proposals by the French court.

B. C. D. LAURAGAIS.

PARIS, 8th February, 1778.

Extract from Mr. Deane's observations (in a communication to Congress) "on Mr. A. Lee's letter."

"I recollect that Mr. Lee has mentioned Count Lauragais in his correspondence with Monsieur Beaumarchais, and am informed that this gentleman has, in his letters, been referred to. Count Lauragais is a nobleman, who was born to an immense estate, the chief of which he has long since dissipated in a wild, and, I may say, in such an eccentric course of life, as hardly has a parallel in France. He has set up at times for a philosopher, a wit, a poet; then as suddenly flew off, and engaged in building, planting, or politics; he was one month for engaging in trade; the next, a country gentlemen on his farm; the third, blazing in the beau monde at Paris; and, France being insufficient to afford a variety of scenes equal to the restlessness of his genius, he has constantly been shifting them from Paris to London, and from London to Paris. In London, he set up for a patriot, and engaged seriously in the disputes and parties of the day; and, what was very diverting, set down for a few weeks to study the laws of England, in order to confute Blackstone. His rank, to which his birth entitles him, gives him admittance to court, and the extravagance of his wit and humor serves to divert and please men high in office, and he consequently, at times, fancies himself in their secrets. This gentleman knew Mr. Lee in London, before I arrived in France, and was afterwards often with him at Paris. His character was given me soon after my arrival, and I was put on my guard, and warned by the Minister, not that he supposed him to have designs unfriendly either to France or America, but on account of his imprudence, and of his being frequently in London, and with those in the opposition in England, of whom the court of France were more jealous, and against whom they were equally on their guard, as with the British Ministry themselves. As this nobleman's name may be made use of, I cannot dispense with touching lightly on the outlines of a character, extremely well known in France and England, and to which some gentlemen in America are no strangers."

No. 8.

The first letter of Mr. Arthur Lee, under the name of M. Johnston, to Mr. Beaumarchais, under the name of Roderique Hortales & Co.

LONDON, May 23, 1776.

M. HORTALES: Be persuaded that M. Le Compte de * * * cannot in any manner embarrass you. I pray you to consider, in your arrangements at the Cape, that the want of tobacco ought not to hinder your sending out your supplies to the Americans, for tobacco is so weighty an article, that it will greatly impede the sailing of the ships, and the essential object is to maintain the war.

No. 9.

Mr. Beaumarchais' answer to the above.

PARIS, June 6th, 1776.

M. JOHNSTON: I received your letter of the 23d May; will perform my promises in the way I pointed out. I am about to send to Cape Francois, in the Island of St. Domingo, a ship loaded with merchandise, to the value of 25,000 pounds sterling, besides cannon, powder, and stores; but this last article will arrive but in small parcels, on account of the risk. On your part, do not fail to send a ship loaded with good Virginia tobacco, and let your friend send in the ship an intelligent, discreet, and faithful person, with powers to receive the money or merchandise and powder, and to make the remittances in tobacco, which I can no more do without, than your friend can without what I send to him; in a word, let him give his notes to my house for what he shall not be able to pay in tobacco, and make certain and solid arrangements with my agent at the Cape for the future.

The captain, on his arrival at the Cape, must inquire of the first magistrate, who is the merchant entrusted with the affairs of Roderique Hortales & Co. and he will introduce him to the correspondent of your humble servant.

No. 10.

The second letter of Mr. Lee to M. De Beaumarchais.

LONDON, 14th July, 1776.

SIR: I have but one moment to thank you in for your letter of the 6th June, which I received safe this moment. I will do my utmost to answer your wishes; but I advise you, as I advise my friends, to consider always that the communication of sentiments is difficult, and for that reason we ought to do all in our power, without insisting on a certain and immediate return.

[IN CYPHERS.]

Consider, above all things, that we are not transacting a mere mercantile business, but that politics is greatly concerned in this affair.

[IN LETTERS.]

I have written on your account to our friend Grayman.

No. 11.

The second letter of Mr. Beaumarchais to Mr. A. Lee.

[IN CYPHERS.]

PARIS, June 26th, 1776.

I refer you to my former letter, of the 6th June, of which I pray you to follow the disposition.

The difficulties which I have met with in my negotiation with the minister, have made me take the resolution of forming a company, which shall send out the supplies of powder and stores to your friend, depending, in the mean time, on remittances in tobacco, at Cape Francois, and always under the name of your servant,

RODERIQUE HORTALES & Co.

Extract from the letter from M. De Beaumarchais to Congress.

PARIS, December 1, 1776.

GENTLEMEN: With regard to me, gentlemen, my sincere attachment to your cause, and my respectful esteem for your persons, has not suffered me to hesitate, and to wait till vessels loaded by you should arrive in this country with the produce of your own, in exchange for our merchandise; but the faith of the powers of your commissioner, (a duplicate of which he has left into the hands of our ministry,) I have procured from our manufactories all what I have thought might be useful to you in your present situation; and I have begun to send supplies to you by the ship that carries this letter, with a brief account of what it contains for your use, as I expect to send you my invoices, in good order, attested and signed by M. Deane, by another ship that will carry you a fresh supply of ammunition, and the invoices of which I shall send by a third ship, and so for all the others.

But, gentlemen, however warm may be the zeal that animates me, my funds will never be sufficient to double and treble my advances, if, on your side, you do not send me on my ships, and on your own remittances in country produce, in proportion as you receive my supplies.

What I call my ships, gentlemen, is some French vessels hired for freight, according to a bargain agreed to between a merchant and myself, in presence of M. Deane, for want of your own vessels, which we had been long expecting, but did not arrive. Here enclosed you have copy of the agreement.

Now, gentlemen, I beg you will send me my remittances, either in excellent Virginia tobacco, or in indigo, rice, &c. My advances in

this expedition must be soon followed by a second as considerable. It amounts to about one million tournois.

Extract from the letter of M. De Beaumarchais to Congress.

PARIS, February 28, 1777.

GENTLEMEN: I have the honor to fit out, for the service of the Congress, by the way of Hispaniola, the ship *Amelia*, loaded with field and ordnance pieces, powder, and leaden pigs. As the season is too far advanced, that the ship might go straightway to your ports, I have charged M. Carabane, my correspondent at Cape Francois, to reverse the whole cargo on Bermudian, or even on American ships, if he finds any at her arrival in that port, and to transmit to you as soon as possible.

This is the fourth ship I have addressed to you since December last; the other three have steered their course towards your eastern ports.

The first is the *Amphitrite* of 480 tons, captain Sautrel, loaded with cannons, muskets, tents, entrenching tools, tin, powder, clothing, &c. Left Havre de Grace on the 14th of December, 1776.

The second is the *Seine*, from the same port, captain Moran, of 350 tons, loaded with muskets, tents, mortars, powder, tin, cannons, musket balls, &c.

The third is the *Mercury*, of 317 tons, captain Herand, from Nantz, loaded with 100,000 pounds of powder, 12,000 muskets; the remainder in cloth, linen, caps, shoes, stockings, blankets, and other necessary articles for the clothing of the troops.

In my letters of August, September, and December last, the duplicates of which have been delivered to you by the chief officer of those that went over to your service in the *Amphitrite*, I have requested you to order, that my ships might not expect long for remittances I ask for, in the same letters, my design being to send you uninterrupted supplies, and such as may be of the greatest use to you. I hope, on your side, you will as quick as possible, load again, and send me back my vessels.

No. 12.

From Mr. De Beaumarchais to Mr. Deane, 18th July, 1776.

I don't know, sir, if you have any body with you, whom you may trust for translating the French letters, which treat on important affairs. On my part, I shall not be able to treat with security in English, till after the return of a person whom I expect at this moment

from London, and who will be an interpreter between us; meanwhile, I have the honor to inform you, that I had for some time past, the desire of helping the brave Americans to shake off the English yoke. I have already tried several means to open a secret and sure correspondence between the General Congress and a house which I am about to establish; on that occasion, I shall exert my endeavors to provide the continent either by the way of our West Indies or straight from here, if possible, all such articles which the Americans shall be in need of, and which they cannot any more get from England. I have already mentioned my plan to a gentleman in London, who pretends to be much attached to America, but our correspondence, since I left England, having been carried on with difficulty and in cyphers, I have received no answer to my last, in which I have tried to fix some terms for that great and important affair.

But, since you are vested with a character which permits me to have confidence in you, I shall be very glad to begin anew, in a manner more certain and more regular, a negotiation which was before but touched on. My means are not very considerable, but they may be much increased if we can establish together a treaty, of which the conditions shall be honorable and advantageous, and the execution of the same shall be exact.

I cannot grant, either to Mr. Dubourg or to any body else, the confidence of speaking freely of my plan; but, when you will have compared the nature of the offers which shall be made to you from every quarter to the disinterested zeal which attaches me to the cause of America, you will perceive what difference there is between treating with common merchants and on the hardest terms, and the good fortune of meeting with a generous friend, who shall think himself happy in proving to your nation, and to you, its secret representative, how truly he is devoted to them.

I am, sir, your, &c. &c.

CARON DE BEAUMARCHAIS.

No. 13.

Letter of Beaumarchais, under the signature of Roderique Hortales & Co. to the Secret Committee of Correspondence, dated August 18th, 1776.

GENTLEMEN: The respectful esteem that I bear towards that brave people, who so well defend their liberty under your conduct, has induced me to form a plan concurring in this great work, by establishing an extensive commercial house, solely for the purpose of serving you, in Europe; there to supply you with necessaries of every sort, to furnish you expeditiously and certainly with all articles, clothes, linens, powder, ammunition, muskets, cannon, or *even gold*, for the payment of your troops, and, in general, every thing that can be useful for the honorable war in which you are engaged.

Your deputies, gentlemen, will find in me a sure friend, an asylum in my house, money in my coffers, and every means of facilitating their operations, whether of a public or a secret nature. I will, if possible, remove all obstacles that may oppose your wishes from the politics of Europe. At this very time, and without waiting for any answer from you, I have procured for you about 200 pieces of brass cannon, four pounders, which will be sent to you by the nearest way; 20,000 lbs. of cannon powder, 20,000 of excellent fusils, some brass mortars, bombs, cannon balls, bayonets, platines, clothes, linens, &c. for the clothing of your troops; and lead for musket balls.

An officer of the greatest merit for artillery and genius, accompanied by lieutenants, officers, artillerists, cannoniers, &c. which he thinks necessary for the service, will go for Philadelphia, even before you have received my first despatches. This, gentlemen, is one of the greatest presents that my attachment can offer you. Your deputy, Mr. Deane, agrees with me in the treatment which he thinks suitable to his office; and I have found the powers of this deputy sufficient that I should prevail with this officer to depart, under the sole engagement of the deputy respecting him, the terms of which I have not the least doubt but Congress will comply with. The secrecy, gentlemen, necessary in some part of the operations, which I have undertaken for your service, requires also, on your part, a formal resolution, that all the vessels and their demands should be constantly directed to our house alone, in order that there may be no idle chattering or time lost—two things that are the ruin of affairs. You will advise me what the vessels contain, which you shall send into our ports. I shall choose so much of their loading in return for what I have sent, as shall be suitable to me, when I have not been able beforehand to inform you of the cargoes which I wish; I shall facilitate to you the loading, sale, and disposal of the rest. For instance, five American vessels have just arrived in the port of Bordeaux, laden with salt fish; though this merchandise, coming from strangers, is prohibited in our ports, yet, as soon as your deputy had told me, that these vessels were sent to him, by you, to raise money from the sale for aiding him in his purchases in Europe, I took so much care, that I secretly obtained from the Farmers' General an order for landing it without any notice being taken of it; I could even, if the case had so happened, taken upon my own account these cargoes of salted fish, though it is no ways useful to me, and charge myself with its sale and disposal, to simplify the operation, and lessen the embarrassment of the merchants, &c. of your deputy. I shall have, gentlemen, a correspondent in each of our seaport towns, who, on the arrival of your vessels, shall wait on the captains, and offer every service in my power; he will receive their letters, bills of lading, and transmit the whole to me; even things which you may wish to arrive safely in any country in Europe, after having conferred about them with your deputy, I shall cause them to be kept in some secure place; even the answers shall go with great punctuality through me, and this way will save much anxiety and many delays.

I request of you, gentlemen, to send me, next spring, if it is possible for you, ten or twelve thousand hogsheads, or more, if you can, of tobacco from Virginia, of the best quality. You very well understand, that my commerce with you is carried on in Europe; that it is in the ports of Europe I make and take returns. However well bottomed my house may be, and however I may have appropriated many millions to your trade alone, yet it would be impossible for me to support it, if all the dangers of the sea, of exports and imports, were not entirely at your risk. Whenever you choose to receive my goods in any of our Windward or Leeward Islands, you have only to inform me of it, and my correspondents shall be there according to your orders, and then you shall have no augmentation of price, but that of freight and insurance. But the risk of being taken by your enemies, still remains with you, according to the declaration, rendered incontestible, by the measures I shall take, by your deputy himself. This deputy shall receive, as soon as possible, full power and — to accept what I shall deliver to him, to receive my accounts, examine them, make payments thereupon, or enter into engagements, which you shall be bound to ratify, as the head of that brave people, to whom I am devoted; in short, always to treat about your interests immediately with me. Notwithstanding the open opposition which the king of France, his ministers, and the agents of administration show, and ought to show, to every thing that carries the least appearance of violating foreign treaties, and the internal ordinances of the kingdom, I dare promise to you, gentlemen, that my indefatigable zeal shall never be wanting to clear up difficulties, soften prohibitions, and, in short, facilitate all operations of a commerce, which my advantage, much less than yours, has made me undertake with you. What I have just informed you of, gentlemen, is only a general sketch, subject to all the augmentations and restrictions, which events may point out to us. One thing can never vary nor diminish, 'tis the avowed and ardent desire I have of serving you to the utmost of my power. *You will recollect my signature; that one of your friends in London some time ago informed you of my favorable dispositions towards you and my attachment to your interest.*

Look upon my house, then, gentlemen, from henceforward, as the chief of all fruitful operations to you in Europe, and my person as one of the most zealous partizans of your cause, the soul of your success, and a man the most deeply impressed with respectful esteem, with which I have the honor to be

RODERIQUE HORTALES & Co.

P. S. I add here, to conclude, that every American vessel, though not immediately armed or loaded by you, will be entitled to my good offices in this country; but yours, particularly addressed to my house, will receive a particular preference from me. I ought also to intimate to you, gentlemen, that, from the nature of my connection, 'tis to be wished you would use discretion, even in the accounts that you give to the General Congress. Every thing that passes in your great

assemblies is known, I cannot tell how, at the court of Great Britain; some indiscreet or perfidious citizen sends an exact account of your proceedings to the palace of St. James.

In times of great exigency, gentlemen, Rome had a dictator; and in a state of danger, the more the executive power is brought to a point, the more certain will be its effect, and there will be less to fear from indiscretion. It is to your wisdom, gentlemen, I make this remark; if it seems to you just and well planned, look upon it as a new mark of my ardor for your rising republic.

R. H. & Co.

August 18, 1776.

No. 14.

From Mr. Deane to Mr. Beaumarchais, July 20th, 1776.

SIR: In compliance with your request, at our interview of yesterday, I send you enclosed copies of my commission, and an extract from my instructions, which will fully satisfy you of my being authorized to make the purchases I have applied to you for. To understand this extract, it is necessary to inform you that I was ordered to make my first application to the ministers, and to procure the supplies wanted of them, by way of purchase or loan; and in case the credit or influence of Congress should not be such, under the present circumstances, to obtain them from that quarter, I was instructed then to apply elsewhere. My application to the minister, and his answer, I have already acquainted you with. With respect to the credit which will be required for the goods and stores which I propose to engage of you, I hope that a long one will not be necessary. Twelve months has been the longest credit my countrymen have ever been accustomed to, and Congress, having engaged large quantities of tobacco in Virginia and Maryland, as well as other articles in other parts, which they will ship as fast as vessels can be provided, I have no doubt but very considerable remittances will be made within six months from this time, and for the whole within a year; this I shall, in my letters, urge Congress to do. But the events of war are uncertain, and our commerce is exposed to be affected thereby: I hope, however, that at least such remittances will be made you, that you will be able to wait for whatever sum may remain due after the credit we shall agree on is expired, having the usual interest allowed you.

I send you also an invoice of the clothing and of many articles of the furniture and stores necessary for our army, in which I cannot be so particular at present, as it will be necessary to be hereafter, in case you undertake it; but as the articles for the uniforms can, at this time, be ascertained as well as ever, I have made out a detail of them; though my instructions speak of but 100 brass cannon, and of arms and clothing for 25,000 men, yet, considering the importance of the

articles to America, I shall, (if to be obtained) venture on a larger quantity; the probability of some part being taken, with other circumstances, will, I think, fully justify me therein. But it is improper to add on this subject until you resolve whether you will undertake, and on the terms, which I presume you will do. As soon as you shall have obtained a translation of this and the enclosed, I will do myself the honor of waiting on you; in the mean time, I am, with the utmost respect and attachment,

Sir, yours, &c.

SILAS DEANE.

No. 15.

From Mr. Deane to Mr. de Beaumarchais.

PARIS, 24th July, 1776.

SIR: I have considered the letter you honored me with the 22d, and am of the opinion, that your proposals for regulating the prices of goods and stores, are just and equitable. The generous confidence you place in the virtue and justice of my constituents, affords me the greatest pleasure, and gives me the most flattering prospect of success in the undertaking to their, as well as your satisfaction, and permit me to assure you, the United Colonies will take the most effectual measures to make you remittances, and to justify in every respect, the sentiments you entertain of them; but, at the same time, as the invoice for clothing only, and without the incident charges, amounts to about two and three millions of livres, and as the cannons, arms, and stores, will raise the sum much higher, I cannot, considering the uncertainty of the arrival of vessels during the war, venture to assure you, that remittances will be made for the whole within the time proposed; but in that case, as I wrote you before, I hope that the interest on the balance will be satisfactory. With respect to cargoes sent from America, either to France or the West Indies, designed as remittances for your advances, I think there can be no objection to their being sent to the address of a house in France, or to your agents where they may arrive.

I find that cannons, arms, and other military stores, are prohibited, and cannot be exported but in a private manner; this circumstance gives me many apprehensions: for, as I cannot have those things shipped publicly, I cannot have them purchased openly, without giving alarms, perhaps fatal to our operations; in this case, various deceptions and impositions may be practised. You know that the ambassador of England is attentive to every thing done by me, and that his spies watch every motion of mine, and will probably watch the motions of those with whom I am known to be connected. In this situation, and being a stranger in a great measure to your

language, I foresee many embarrassments, which I know not how to obviate, and such as I fear may greatly perplex even yourself, notwithstanding your superior knowledge and address. Two things, you will agree with me, are as essential, as even the procuring of the cannon, arms, &c. First, that they are good and well laid in, and that they be embarked without being stopped and detained. The fate of my country depends, in a great measure, on the arrival of these supplies. I cannot, therefore, be too anxious on the subject; nor is there any danger or expense so great, but what must be hazarded, if necessary, to effect so capital and important an object. I pray you to consider this subject, and to give me your thoughts upon it. I called on you this morning, with Doctor Bancroft, to have conversed with you on this subject, but found that you was gone to Versailles. Permit me to urge your early attention to this subject, and to assure you, that I have the honor to be, with the highest respect,

Sir, yours, &c.

SILAS DEANE.

No. 16.

From Mr. Deane to Mr. de Beaumarchais.

PARIS, August 19th, 1776.

SIR: Since the stores and goods have been engaged and getting ready, I have made inquiry of several merchants respecting the charter of vessels for America generally, without mentioning what their cargoes should consist of, and have written in the same way to some of my correspondents; and on the whole, I find I shall not be able to provide them so early as is necessary at any rate, and I fear not without making their destination and object too public. You will recollect that I mentioned my apprehensions on this subject to you some days since, and now propose, (if consistent with your other engagements,) that you would take the procuring of the vessels necessary on you, at least so far as to be security for the payment of their charter. It gives me pain to put this additional trouble and expense on you, but I know that you think nothing within your power is too great to be undertaken for the service of the United Colonies of America, whose grateful acknowledgments must equal, though they can never exceed, your generous exertions in their favor at this critical and important period of their affairs. These vessels will return with cargoes on your account, which, with what will probably arrive from other remittances, will enable you to proceed to the greatest extent in executing the great and liberal plan you have proposed. I shall do myself the honor of waiting on you to-morrow morning on this and other affairs; meantime, I am, with the utmost respect and attachment,

Sir, yours, &c.

SILAS DEANE.

Letter of Beaumarchais to the Secret Committee of Correspondence, dated September 15th, 1776.

GENTLEMEN: In writing this letter, I imagine you are informed by my first, of my active zeal for your interest; I therefore suppose you will do me the honor to acknowledge me among your friends and faithful servants. These titles I adopt with pleasure, because I think myself worthy of them. In addition to the offers of what I possess, I shall presume to make another of those reflections, which I think may be useful to you. Living in Europe, and being better able than you to unfold the secret springs which give motion to states in this part of the world, and, above all, persuaded that you have only shaken off the yoke of one of the people that compose it, to become a more certain friend to the rest, I will venture to reason with you upon your present situation. Whatever haughty confidence, gentlemen, your enemies may affect, your declaration of independence has thrown them into consternation; flattering themselves no more to regain you by their adroitness, they begin to fear that they will not be able to subdue you by force. Their finances shattered, their commerce lessened, their force exhausted, plainly indicate that the present great effort is the last thing they will be able to make against you; and if your courage, gentlemen, is only sufficiently fortunate to bear the weight of the present campaign, it is almost impossible that they will dare to undertake another. But, whilst you are fighting in America to free yourselves from their yoke, the events of Europe concur to hasten the moment of your delivery. The blunder Portugal has lately fallen into, of shutting their ports, with still more imprudence than haughtiness, seems to be an act of Heaven in your favor, of which you cannot too soon avail yourselves. From the resentment which Spain has long borne for Portugal, if I had the honor of presiding in your committee, gentlemen, I would not hesitate to persuade you, immediately to declare war against Portugal, and without delay to send a fleet to the Brazils. This unexpected and bold measure, would be productive of many good effects: the first would be certainly to interest Spain in your success, and perhaps engaging her to make a like declaration against Portugal. From that moment, united with Spain in resentment, you become, in some sort, her allies; for the enemies of our enemies are more than half our friends. Don't entertain a doubt but that power will then open her American ports to your armed vessels, and send a private order to receive in them your privateers, and the prizes they may make upon the Portuguese. And if your declaration is fortunate enough to draw Spain in openly, as I scarce have a doubt but it will, so great a diversion will soon oblige the English to divide their forces, and fly to the assistance of Portugal, unless they choose to lose, also, this sort of a colony at the same time that you are openly renouncing their authority, which is not probable. And what immense advantage would not this division of

their forces give to a collection of yours; and your force and success will be continually increasing, gentlemen, if Spain declares itself openly. For, the assistance of vessels, troops, and money, which France cannot refuse to that power when she enters into a war, according to the spirit and letter of the family compact, will render it necessary for England to supply Portugal with more considerable support. Then all the reproaches of England cannot prevent France from opening her ports to you without reserve, and permitting you to draw from thence, by way of trade, plentiful supplies of every sort. ‘What do you require of us?’ the minister of France would say to the English ambassador. ‘The king, our master, furnishes assistance to Spain, much less from a desire of making war, than from faithfully observing his treaties. If he had any other motive than a regard to his engagements, what should hinder him at present from making use of so fine an opportunity to make war upon yourselves? And if he does not make it upon his rivals, and almost his enemies, ought he to provoke any of your people to declare it against him? See what has happened to Portugal; do you wish that, in shutting our ports to the Americans, with whom we have no dispute, we should suggest to them our inclination of attacking our American possessions, or of seducing and detaching from us our colonies, by a hope of associating with them? Do you wish they should desolate our island, by the multitude of their cruisers, against which even the whole force of England at this time, can do nothing? To oblige the English, shall we fall into the absurdity of making war against the Americans, on the one hand, whilst, on the other, in assisting Spain, we shall be forced, perhaps, to act in concert with the same Americans against the Portuguese?’ This, gentlemen, is what our minister would say, and this appears to me unanswerable—and who knows how far things may be carried in Europe from interests so different, so remote, and, at the same time, so confounded together? Now, all this may, and probably will be, the fruit of your declaring war against Portugal. I have taken this second opportunity to transmit this advice to you; it seemed to strike your deputy, whose good sense immediately perceives whatever has force or propriety in it. I doubt not but he will write to the same purpose. It is therefore my opinion, gentlemen, that you cannot too soon weigh the importance of this idea, and come to some resolution thereupon worthy of your bravery. Lay hold of the encouragements which fortune offers, and which my respectful attachment for you points out.

I have the honor to be, &c.

September 15, 1776.

No. 18.

Extract of a letter from Dr. Franklin to the President of Congress, dated Nantz, October 8, 1776.

I understand Mr. Lee has lately been at Paris; that Mr. Deane is still there; and that an underhand supply is obtained from the govern-

ment, of 200 brass field pieces, 30,000 firelocks, and some other military stores, which are now shipping for America, and will be conveyed by a ship of war. The court of England, Mr. Penet tells me, (from whom I have the above intelligence) had the folly to demand Mr. Deane to be given up, but was refused.

No. 19.

Extract of a letter from Silas Deane, Esq. dated Paris, Nov. 6, 1776.

Two hundred pieces of brass cannon and arms, tents and accoutrements for 30,000 men, with ammunition inproportion, and I believe 20 or 30 brass mortars, *have been granted at my request*; but the unaccountable silence on your part has delayed the embarkation some weeks already.

I yesterday got them in motion, and a part are already at Havre de Grace and Nantz, and the rest on their way there, but am hourly trembling for fear of counter orders.

Had I received proper powers in season, this supply would, before this, have been in America, and that under the convoy of a strong fleet. The disappointment is distressing, &c.

No. 20.

Extract of a letter from Silas Deane, Esq. to the secret committee of Congress, dated Paris, 29th November, 1776.

“The several letters you will receive with this will give you some idea of the situation I have been in for some months past, though, after all, must refer you to Mr. Rogers to be particular on some subjects. I should never have completed what I have, but for the generous, the indefatigable, and spirited exertions of Monsieur Beaumarchais, to whom the United States are, on every account, greatly indebted; more so than to any other person on this side of the water. He is greatly in advance for stores, clothing, and the like, and therefore am confident you will make him the earliest and most ample remittances. He wrote you by Mr. McCrery, and will write you again by this conveyance.

“I cannot, in a letter, do full justice to Monsieur Beaumarchais for his great address and assiduity in our cause. I can only say, he appears to have undertaken it on great and liberal principles, and has, in the pursuit, made it his own. His interest and influence, which are great, have been exerted to the utmost in the cause of the United States, and I hope the consequences will equal his wishes.”

No. 21.

Agreement for the affreightment of ships, mentioned in a letter from Silas Deane, of December 6th, 1776, to the Secret Committee of Congress.

Articles of affreightment of armed vessels and merchandise entered in, and agreed to, between Messrs. de Monthieu and Roderique Hortales and Company, and Mr. Silas Deane. We, the subscribers, John Joseph de Monthieu, and Roderique Hortales and Company, are agreed with Mr. Silas Deane, agent of the United Colonies, upon the subsequent arrangements:

That I, de Monthieu, do engage to furnish, on account of the Thirteen United Colonies of North America, a certain number of vessels, to carry arms and merchandise, to the burden of sixteen hundred tons, or as many vessels as are deemed sufficient to transport to some harbor of North America, belonging to the Thirteen United Colonies, all the ammunition and appurtenances, agreeably to the estimate signed and left in my possession, and which we esteem would require the above mentioned quantities of vessels to carry sixteen hundred tons burthen, which are to be paid for at the rate of two hundred livres the ton; and that I will hold said vessels at the disposal of said Messrs. Hortales and Company, ready to sail at the ports of Havre, Nantz, and Marseilles, viz. the vessels which are to carry the articles and passengers mentioned in the aforementioned list, and are to depart from Havre, as well as those that are to go from Nantz, to be ready in the course of November next, and the others in the course of December following, on condition that one-half of the aforementioned freight of 200 livres per ton, both for the voyage to America, and back to France, laden equally on account of the Congress of the Thirteen United Colonies, and Messrs. Hortales and Co. aforesaid, who are responsible for them, shall be advanced and paid immediately, in money, bills of exchange, or other good merchandise, or effects; and the other half said Messrs. Hortales and Co. do agree to furnish me with, in proportion as the vessels are fitting out, in the same money, or other effects, as above. Over and above this, they are to pay me for the passage of each officer not belonging to the ship's crew, the sum of 550 livres tournois, and for every soldier or servant, 250 livres; and for every sailor who goes as passenger, 150 livres. It is expressly covenanted and agreed between us, that all risks of the sea, either in said vessels being chased, run on shore, or taken, shall be on account of the Congress of the United Colonies, and shall be paid agreeably to the estimation which may be made of each of these vessels, agreeably to the bills of sale of each, which I promise to deliver to Messrs. Hortales & Co. before the departure of any of the said vessels from any of the ports of France mentioned above.

Finally, it is agreed, that, if the Americans detain these vessels longer than two months in their ports, without shipping on board them the returns they are to carry to France, all demurrage, wages, or expenses, on them, from the day of their arrival to that of their departure, these two months excepted, shall be at their charge, and paid by them, or by Messrs. Hortales and Co. in our own name, as answerable for the Congress of the United Colonies. We accept the above conditions, as far as they respect us, and promise faithfully to fulfil them; and, in consequence, we have signed this instrument of writing, one to the other, at Paris, 15th October, 1776.

MONTHIEU,
RODERIQUE HORTALES & Co.
SILAS DEANE,

Agents for the United Colonies of North America.

No. 22.

Extract of a statement made by William M^cCreery, to J. Hancock, President of Congress.

BALTIMORE, Jan. —, 1777.

On the 18th of August last, I took charge of a packet directed to the secret committee of correspondence at Philadelphia, from Silas Deane, Esq. at Paris, with directions from him to destroy it, in case of danger; and having been taken near the capes of Delaware, the latter end of October last, by the Lively man of war, belonging to the king of England, I sunk the packet and all the other papers that I had relating to public matters. During my stay with Mr. Deane, at Paris, which was seven days, he communicated sundry matters to me; shall therefore recite them here, for your satisfaction, as they occur to me.

On his way to Paris, he visited the greatest foundry of cannon that there is in France, at Angouleme, which he described to me, and requested that I should visit it myself on my way to Bordeaux, which was prevented by an accident, which happened to me in the neighborhood of the place; but, as I hear of a man who proposes carrying on the work here on a similar plan, shall omit saying any more about it. What was called manufacturing towns between that and Paris, he said were unworthy the name; which I found afterwards to be the case.

At Paris, he had a most cordial reception from Doctor Du Bourg, to whom he had a letter from Dr. B. Franklin. The old gentleman has entirely laid aside his own business, and devotes his whole time to the service of America; and, I may venture to assert, that few amongst us has more anxiety for our welfare, or undergoes more

drudgery to serve the cause, than he does. During Mr. Deane's first interview with the French minister, the latter asked a number of questions about America; amongst the rest, whether the loss of the fishery would not affect us most severely? And how could we possibly do without trade? To the former of these he answered, that only a part of us used the fisheries, and that the seamen employed therein were all taken into our navy and army; to the latter, that our vessels that might fall into the hands of the English, would be but a trifling value, whilst our privateers took the most valuable vessels and cargoes. Every demand that Mr. Deane made on them was cheerfully granted, so as it might be done or executed in a private manner; but, as to espousing our quarrels, or receiving Mr. Deane publicly, it could not be done.

Independence, he said, was a matter in the womb of time. When the Americans would declare that, and renounce all connexion with Great Britain, they might then expect every thing that France could do. He wanted to contract with the public, or rather with the crown, for the arms, &c. which he wanted. The minister, however, avoided that mode; but a creature of the court, a mere man of pleasure, whose real circumstances are perhaps much worse than nothing, offered to supply him with the arms, &c. which he wanted, on a credit. He readily guessed that this gentleman was employed by the minister. Doctor Du Bourg insisted that this was not a proper man to treat with, and proposed another method. A change being expected in the ministry every day, embarrassed Mr. Deane a good deal, as he wanted to act so as to give umbrage to none, and who he contracted with I really dont know. He has, however, purchased arms, clothing, accoutrements, and every thing for an army of 25,000 men, together with 200 brass field pieces, all of which, I believe, are four pounders. These things were to be shipped under the direction and inspection of General Coudray, who is to come out to America with them. He is an experienced general; sober, sensible, and indefatigable in every undertaking, and has great interest at that court. There are also coming a number of the young nobility of France, some of whom are sons to the first people at court. Mr. Deane expected that all those things would be shipped in September, or October. He intended to make application for a convoy, and had hopes of obtaining it, &c. &c.

No. 23.

Extract of a letter from Arthur Lee, Esq. to the Secret Committee of Congress, dated Paris, January 3, 1777. (Letter Book, page 23:)

The politics of this court are in a kind of trembling hesitation. It is in consequence of this, that *the promises which were made me by the French agent in London, and which I stated to you by Mr. Story and others, have not been entirely fulfilled.*

The changing the mode of conveying what they promised was settled with Mr. Deane, whom Hortales, or Beaumarchais, found here on his return from London, and with whom, therefore, all the arrangements were made.

No. 24.

Extract of a letter from Doctor Franklin and Silas Deane, commissioners of the United States at Paris, to the secret committee of Congress, dated at Paris, the 8th of September, 1777.

“It gave us great joy to hear of the arrival of the *Mercury*, *Amphitrite*, and other vessels, carrying supplies. Another ship, with a similar cargo, which had long been detained at Marseilles, we hope will soon arrive with you. We hope also that you will receive between twenty and thirty thousand suits of clothes before winter, and from time to time, quantities of new and good arms, which we are purchasing in different parts of Europe. But we must desire you to remember, that we are hitherto disappointed in your promises of remittance, either by the difficulties you find in shipping, or by captures; and that, though far short of completing your orders, we are in danger of being greatly embarrassed by debts, and failing in performance of our contracts, and losing our credit, with that of the Congress.”

No. 25.

Copy of the powers given to John Baptiste Lazarus Theveneau De Francis.

Before the counsellors of the king, the notaries of the court house of Paris, undersigned, was present Mr. Pierre Augustin Caron de Beaumarchais, representing in France the house of Roderique Hortales and Co. living in the city of Paris, in Old Temple street, and parish of St. Gervais, who, by these presents, did make and constitute his procurator general, Mr. John Baptiste Lazarus Theveneau de Francis, just about to embark for America, to whom he gives power, for and in the name of the said house of Roderique Hortales and Co. to manage and administer all the affairs of the said house and company, as well actively as passively, and consequently to solicit and recover all debts, relative to all the cargoes, past, present, and future, sent by the said house to America, to receive all moneys, and make all purchases relative to the returns of the said cargoes, and to pay all expenses relative to them; to settle all accounts with corres-

pondents of the said house of Roderique Hortales & Co. whether upon invoices or otherwise; to call, if necessary, for the reciprocal correspondence, registres, and accounts current; to debate the interests of the said constituents and company; to allow the articles in the said accounts, to close and settle them, and, by receipts of every kind, to give, by the said constituted procurator, all quittances, discharges, and valid liquidations, either for specie, merchandise, or produce; and to except all bills and orders drawn by him, in default or refusal of settlement, and, after settlement made, to do, in the name of the said constituent and company, all conservatory acts, pursuits, and necessary works; to appear before all judges who may be concerned, to present demands, and to pursue them effectually to final judgment; to treat, compose, and transact, at the prices, charges, clauses, and conditions, which the said constituted procurator shall judge most useful to the interests of the said constituent and company; to make all oppositions and arrests, that shall be necessary in case of bodily restraint, to carry it into execution; to give discharges; to consent to all things; to stop processes; to constitute procurators and lawyers in any cause; to propose and agree to arbitrations and arbiters; to chuse his residence; and, in general, to manage, for the greatest interest of the said constituent and his house, whatever circumstances shall require, not provided for in these presents, and without having need of more special power; the aforesaid constituent promising to acknowledge all agreeable, until revocation of this power, to which also shall be submitted all treaties, made or to be made with the said constituted procurator, whether anterior or posterior to these presents; and the said constituted procurator being obliged, as is just, to render accounts of his mission the most exactly, faithfully, and legally, that may be.

Made and passed at Paris, at the Studies, in the year one thousand seven hundred and seventy-seven, the tenth day of September; and a minute of these presents, lodged with M. M. Mornet, one of the undersigned notaries, hath been signed.

[L. s.] Sealed the same day.

DE MAUFORT MORNET.

[L. s.] The above instrument was executed by a public officer in my presence.

Attest,

S. DEANE.

No. 26.

From Silas Deane, to the Secret Committee of Congress, dated Paris, September 20, 1777.

“This will be handed you by Mr. Francis, who is agent for Hortales and Co. You will see, by the bills of lading, the quantity of

stores shipped by that house, and make some judgment of their considerable amount. The vessel in which Mr. Francis comes is loaded with stores, which were long since engaged. I still hope they will come in safety, and in season to be of service.

"Messrs. Roderique Hortales and Co. have other vessels, which will follow this in a short time, which they want to have despatched with tobacco, agreeably to what they formerly wrote you, and Mr. Francis comes partly on that account; must, therefore, pray you to furnish him with the means of procuring the quantity he will want for them in season.

"As the vessels of Messrs. Hortales and Co. will arrive at a time when despatch will be of the utmost consequence, they are desirous to have their cargoes ready on their arrival."

No. 27.

Dr. Arthur Lee to the Secret Committee of Congress.

PARIS, 6th October, 1777.

GENTLEMEN: From Berlin, on the 11th of June, and from this place the 29th of July, I had the honor of informing you, at large, of my proceedings in Prussia. Not having received an answer from that court, relative to the reception of our privateers, and their prizes, in Prussian ports, I have written lately to press for one, which I hope will be favorable, as I left so friendly a disposition there, that I was desired to communicate his Majesty's warmest wishes for our success. I mentioned, too, the improbability of our enemy's receiving assistance from Russia for the next campaign, and how much their resources were exhausted in Germany.

By Captain Young, I received the commands of Congress, in their commission to me for the court of Spain; as Dr. Franklin had announced his appointment, with an assurance of his readiness to repair to Madrid as soon as that court thought proper to receive him, it seemed unnecessary immediately to apprise them of the new appointment. During my absence in Germany, a letter was received from Monsieur Gardoqui, at Bilboa, intimating an expectation of returns from you, for what was transmitted to you through their house. But, upon application to his court, I am again authorized to assure you, that, for the supplies already sent, no return was expected; but, in future, that remittances of American produce was expected for supplies through the house of Gardoqui. It is impracticable to bring them to such an explanation, as to know with certainty, whether they mean this in earnest, or only as a cover. Should the transaction transpire, I am inclined to think the latter. However, I wrote to Mr. Gardoqui, in consequence, as follows: "We are now to begin on

a new footing, and I shall take care that my constituents be informed that, for all the aids they receive hereafter from your quarter, they are to make returns in tobacco, pich, tar, &c. to your house. I beg to know by your next, whether the same arrangement is to take place for the future with regard to the deposits at the Havanna and New Orleans, or whether nothing further is to be transmitted through those channels; that, if so, the trouble of sending thither, and the disappointment, may be prevented. As the winter's campaign is approaching fast, in which blankets are of the greatest utility, I wish you to send as many of them as possible."

Upon this subject of returns, I think it my duty to state to you some facts relative to the demands of this kind from Hortales. The gentleman who uses this name, came to me about a year and a half ago, in London, as an agent from this court, and wishing to communicate something to Congress. At our first interview, he informed me that the court of France wished to send an aid to America of 200,000*l.* in specie, arms, and ammunition, and that all they wanted was to know through which island it was best to make the remittance, and that Congress should be apprised of it. We settled the Cape as the place, and he urged me by no means to omit giving the earliest intelligence of it, with information that it would be remitted in the name of Hortales. At our next meeting, he desired me to request that a small quantity of tobacco, or some other production, might be sent to the Cape, to give it the air of a mercantile transaction, repeating, over and over again, that it was for a cover only, and not for payment, as the remittance was gratuitous. Of all this, I informed Dr. Franklin, Chairman of the Committee, by sundry opportunities. At the same time, I stated to Monsieur Hortales, that, if his court would despatch eight or ten ships of the line to our aid, it would enable us to destroy all the British fleet, and decide the question at one stroke. I repeated this to him, in a letter, after his return to Paris, to which the answer was, that there was not spirit enough in his court for such an exertion, but that he was hastening the promised succors. Upon Mr. Deane's arrival, the business went into his hands, and the aids were, at length, embarked in the *Amphitrite*, *Mercury* and *Seine*. The minister has repeatedly assured us, and that in the most explicit terms, that no return is expected for these subsidies.

I have the honor to be, &c.

ARTHUR LEE.

To the Secret Committee of Congress.

No. 28.

Passy, near Paris, 7th October, 1777.

GENTLEMEN: We received duly your despatches by Mr. M^cCreery and Captain Young, dated May 2d, and 30th, June 13th, 18th, and

26th, and July 2d: the intelligence they contain is very particular and satisfactory. It rejoices us to be informed that unanimity continues to reign among the states, and that you have so good an opinion of your affairs, in which we join with you. We understand that you have also written to us, of later dates, by Captain Holm. He is arrived at port L'Orient, but being chased and nearly taken, he sunk his despatches.

We are also of your sentiments with regard to the interests of France and Spain respecting our independence, which interests, we are persuaded, they see as well as we, though particular present circumstances induce them to postpone the measures that are proper to secure those interests. They continue to hold the same conduct described in our last, which went by Wickes and Johnson, a copy whereof we send herewith, as Johnson is unfortunately taken.

We have lately presented an earnest memorial to both courts, stating the difficulties of our situation, and requesting that, if they cannot immediately make a diversion in our favor, they would give a subsidy sufficient to enable us to continue the war without them, or afford the states their advice and influence in making a good peace.

Our present demand, to enable us to fulfil your orders, is for about eight million of livres. Couriers, we understand, are despatched with this memorial to Madrid, by both the ambassador of Spain and the minister here; and we are desired to wait with patience the answer, as the two courts must act together. In the mean time, they give us fresh assurances of their good will to our cause, and we have just received a fourth sum of five hundred thousand livres. But we are continually charged to keep the aids that are, or may be afforded us, a dead secret, even from the Congress, where they suppose England has some intelligence; and they wish she may have no certain proofs to produce against them with the other powers of Europe. The apparent necessity of your being informed of the true state of your affairs, obliges us to dispense with this injunction. But we entreat that the greatest care may be taken that no part of it shall transpire; nor of the assurances we have received that no repayment will ever be required from us of what has been already given us, either in money or military stores. The great desire here seems to be, that England should strike first, and not be able to give her allies a good reason.

The total failure of remittances from you for a long time past, has embarrassed us exceedingly. The contracts we entered into for clothing and arms, in expectation of those remittances, and which are now beginning to call for payment, distress us much, and we are in imminent danger of bankruptcy: for all your agents are in the same situation, and they all recur to us to save their and your credit. We were obliged to discharge a debt of Myrtle's at Bordeaux, amounting to about five thousand livres, to get that vessel away, and he now duns us every post for between four and five thousand pounds sterling, to disengage him in Holland, where he has purchased arms for you. With the same view of saving your credit, Mr. Ross was

furnished with twenty thousand pounds sterling, to disentangle him. All the Captains of your armed vessels come to us for their supplies, and we have not received a farthing of the produce of their prizes, as they are ordered into other hands. Mr. Hodge has had large sums of us. But to give you some idea for the present, till a more perfect account can be rendered, of the demands upon us that we have paid, we enclose a sketch for your perusal, and shall only observe, that we have refused no application in which your credit appeared to be concerned, except one from the creditors of a Mr. Ceronia, said to be your agent in Hispaniola, but of whom we had no knowledge; and we had reason to hope that you would have been equally ready to support our credit as we have been of yours, and from the same motives, the good of the public, for whom we are all acting; the success of our business depending considerably upon it.

We are sorry, therefore, to find all the world acquainted here, that the Commissioners from Congress have not so much of your regard as to obtain the change of a single agent, who disgraces us all. We say no more of this at present, contenting ourselves with the consciousness that we recommend that change from the purest motives, and that the necessity of it, and our uprightness in proposing it, will soon fully appear.

Messrs. Gardoqui, at Bilbao, have sent several cargoes of naval stores, cordage, sail cloth, anchors, &c. for the public use, consigned to Elbridge Gerry, Esquire. They complain that they have no acknowledgment from that gentleman of the goods being received, though they know the vessels arrived. We have excused it to them, on the supposition of his being absent at Congress. We wish such acknowledgment may be made, accompanied with some expressions of gratitude towards those from whom the supplies came, without mentioning who they are supposed to be. You mention the arrival of the Amphitrite and Mercury, but say nothing of the cargoes.

Mr. Hodge is discharged from his imprisonment on our solicitation, and his papers restored to him; he was well treated while in the Bastille. The charge against him was, deceiving the Government in fitting out Cunningham from Dunkirk, who was represented as going on some trading voyage, but, as soon as he was out, began a cruise on the British coast, and took six sail. He is got safe into Ferrol.

We have received and delivered the commissions to Mr. William Lee and Mr. Izard. No letters came with them for those gentlemen, with information how they are to be supported on their stations. We suppose they write to you, and will acquaint you with their intentions.

Some propositions are privately communicated to us, said to be on the part of Prussia, for forming a commercial company at Embden. We shall put them into the hands of Mr. Lee.

We do not see a probability of our obtaining a loan of the two million sterling from any of the money holders in Europe, till our affairs are, in their opinion, more firmly established. What may be

obtained from the two crowns, either as loan or subsidy, we shall probably know on the return of the couriers, and we hope we shall be able to write more satisfactory on those heads, by Captain Young, who will, by that time, be ready to return.

With the greatest respect, we have the honor to be, &c.

BENJAMIN FRANKLIN,
SILAS DEANE,
ARTHUR LEE.

(Supplementary to No. 28.)

Extract of a letter from Arthur Lee to the Committee of Foreign Correspondence, (vide letters of A. Lee, vol. 1, page 57, letter 14.)

“A letter was received from Monsieur Guardoqui at Bilboa, intimating an expectation of returns from you for what was transmitted to you through their house; but, upon application to his court, I am again authorized to assure you, that, for the supplies already sent, no return was expected.”

No. 29.

(Extract.)

From the same to the same, dated

PARIS, 18th December, 1777.

“We have accepted five bills, drawn on us by the President in favor of some returned officers, and shall pay them punctually. But, as we receive no remittances for our support, and the cargo* of the *Amphitrite* is claimed from us by Mr. Beaumarchais, and we are not certain that we can keep it, we hope Congress will be sparing in their drafts, except for the interest mentioned in our former letters, of which we now repeat the assurances of payment, otherwise we may be much embarrassed, and our situation rendered very uncomfortable.”

No. 30.

Copy of a letter of the American Commissioners to Messrs. Berard Freres, at Port L'Orient.

PASSY, December 24th, 1777.

GENTLEMEN:

Mr. De Beaumarchais having satisfied us that he had a prior claim upon the cargo of the *Amphitrite*, according to an agreement between

* Of rice and indigo from the United States.

him and Mr. Deane, we desire you to deliver the cargo or the produce into his hands, or into those of his agents, at his disposition, without any deduction for the advances you may have made on account of the frigates.

We are,

B. FRANKLIN,
SILAS DEANE,
ARTHUR LEE.

No. 31.

Letter of Louis XVI. to Charles III., King of Spain, dated January 8th, 1778. [Taken from the General History of French Diplomacy.]

Monsieur mon frere et oncle, la désir sincère que j'ai de maintenir la véritable harmonie, la concordance et l'unité de système, qui doivent toujours en imposer à nos ennemis, m'engage à exposer à votre majesté ma façon de penser sur la situation présente des affaires. L'Angleterre, notre ennemi commun et invétéré, est engagée, depuis trois ans, dans une guerre avec ses colonies d'Amerique. Nous sommes convenus de ne pas nous en mêler; et regardant les deux parties sous le nom d'Anglais, nous avons rendu le commerce de nos états libre à celle qui y trouvait le mieux son compte. De cette manière, l'Amerique c'est pourvue d'armes et de munitions dont elle manquait. Je ne parle pas des secours d'argent et autres que nous leur avons donnés, le tout étant passé sur le compte du commerce. L'Angleterre a pris de l'humeur de ces secours, et ne nous a pas laissé ignorer qu'elle s'en vengerait tôt ou tard. Elle a même déjà saisi plusieurs de nos bâtimens de commerce dont nous sollicitons en vain la restitution. Nous n'avons pas perdu de temps de notre côté; nous avons fortifié nos colonies les plus exposées et mis sur un pied respectable nos marines; ce qui a contribué à augmenter la mauvaise humeur de l'Angleterre.

C'était là où en étaient les affaires au mois de Novembre dernier. La destruction de l'armée de Burgoyne, et l'état très reserré où est celle de Howe, ont changé totalement leur face. L'Amerique est triomphante, et l'Angleterre abattue; mais pourtant avec une grande force en marine qui est encore entière, et avec l'esperance de s'allier utilement avec ses colonies, l'impossibilité étant demontree de les subjuguier par la force. Tous les parties en conviennent: Lord North lui même a annoncé, en plein parlement, un plan de pacification pour la premiere session et ils y travaillent fortement de tous les côtés. Ainsi, il nous est égal que ce ministre si soit en place, ou tout autre. Par des motifs differens, ils s'unissent contre nous, et n'oublient pas nos mauvaise offices. Ils tomberont avec autant de forces sur nous que si la guerre n'avait pas existé. Cela posé, et les

griefs que nous avons contre l'Angleterre étant notoires, après avoir pris l'avis de mon conseil, et notamment de M. d'Ossun, j'ai pensé qu'il était juste et nécessaire, ayant avisé aux propositions que font les insurgens, de commencer à traiter avec eux, pour empêcher leur réunion à la métropole.

J'expose ma façon de penser à votre majesté. J'ai ordonné qu'on lui communiquât un mémoire où ces raisons sont plus détaillées. Je désire bien vivement qu'elles aient son approbation, connaissant le poids de sa droiture. Votre majesté ne doute pas de la vive et sincère amitié avec laquelle je suis, monsieur mon frère et oncle, &c.

[TRANSLATION.]

Sir, my brother and uncle: The sincere desire which I feel, of maintaining the true harmony and unity of our system of alliance, which must always have an imposing character for our enemies, induces me to state to your Majesty, my way of thinking on the present condition of affairs. England, our common and inveterate enemy, has been engaged for three years in a war with her American colonies. We had agreed not to meddle with it, and viewing both sides as English, we made our trade free to the one that found most advantage in a commercial intercourse. In this manner, America provided herself with arms and ammunition, of which she was destitute. *I do not speak of the succours of money, and other kinds, which we have given her, the whole, ostensibly, on the score of trade.* England has taken umbrage at these succours, and has not concealed from us that she would be revenged sooner or later. She has already, indeed, seized several of our merchant vessels, and refused restitution. We have lost no time on our part. We have fortified our most exposed colonies, and placed our fleets upon a respectable footing, which has contributed to aggravate the ill-humor of England.

Such was the posture of affairs in November last. The destruction of the army of Burgoyne, and the straightened condition of Howe, have totally changed the face of things. America is triumphant, and England cast down: but the latter has still a great unbroken maritime force; and the hope of forming a beneficial alliance with her colonies, the impossibility of their being subdued by arms, being now demonstrated. All the English parties agree on this point. Lord North has, himself, announced, in full Parliament, a plan of pacification for the first session, and all sides are assiduously employed upon it. Thus, it is the same to us, whether this minister, or any other, be in power. From different motives, they join against us, and do not forget our bad offices. They will fall upon us in as great strength as if the war had not existed. This being understood, and our grievances against England notorious, I have thought, after taking the advice of my council, and particularly that of M. d'Ossun, and having consulted upon the propositions which the insurgents make, that it was just and necessary to begin to treat with them, to prevent their re-union with the mother country. I lay before your

Majesty my views of the subject. I have ordered a memoir to be submitted to you, in which they are presented in more detail. I desire eagerly that they should meet your approbation; knowing the weight of your probity, your Majesty will not doubt the lively and sincere friendship, with which I am, &c. &c.

No. 32.

From Dr. Lee to the Secret Committee of Congress, dated Paris, 15th February, 1778.

“I have before written to you the reason I had to conceive that Mr. de Beaumarchais’ demands of payment for the supplies furnished in the Amphitrite, Mercury, and Flomand, are unjust. The above testimonial from the Count Lauragais will corroborate what I informed you relative to his having himself proposed the supplies to me as a subsidy from the court. Mr. Wilkes knows it more accurately, but his situation prevents him from giving it under his hand. The ministry, as you will see by our joint letter, have often given us to understand, that we were not to pay for them; yet still Mr. Beaumarchais, with the perseverance of such adventurers, persists in his demand. He alleges some promise or agreement made with Mr. Deane. I should suppose Mr. Deane would have apprised you of it, if any such exists; but certainly Doctor Franklin and myself are kept so much in the dark about the existence of such agreement, as to expose us to much unnecessary plague from this Mr. Beaumarchais, who, I cannot think, has any right to make the demand in question. A copy of the above declaration has been given to Count Maurepas, but I have not heard his sentiments upon it.”

No. 33.

Extract of a letter from Drs. Franklin and Lee, and S. Deane, to the Secret Committee of Congress, dated

PARIS, 16th February, 1778.

“We have, to avoid disputes at a particular time, delivered up the cargo *** brought by the Amphitrite, to Mr. Beaumarchais. We hear that he has sent over a person to demand a great sum of you on account of arms, ammunition, &c. &c. We think it will be best for you to leave that demand to be settled by us here, as there is a mixture in it of public and private concern, which you cannot so well develop.”

TO ALL WHOM IT MAY CONCERN:

Whereas Roderique Hortales & Co. of Paris, have shipped or caused to be shipped or laden on board sundry ships or vessels, considerable quantities of cannon, arms, ammunition, clothing, and other stores, most of which have been safely landed in America, and delivered to the agents of the United States, for the use and service thereof; and whereas the said Roderique Hortales & Co. are willing and desirous to continue supplying these states with cannon mortars, bombs, arms, ammunition, clothing, and every sort of stores that may be wanted or required, and also with specie, provided satisfactory assumption be made, and assurance given for the payment, in France, of the just cost, charges, and freight, of the cargoes already shipped, as well as those to be hereafter shipped, and of specie to be advanced:

And whereas some cargoes of American produce have already been shipped to the address of Roderique Hortales & Co. or their assigns, for sale on account of the United States of America, the nett proceeds whereof are to be applied in part discharge of their claims:

Now know ye, that John Baptis Lazarus Theveneau de Francis, agent of Mr. Peter Augustin Caron de Beaumarchais, as representative of the house of said Roderique Hortales & Co. by him especially appointed and empowered to act, fully and effectually in all things on his behalf, as appears by a certain letter of attorney, or instrument of writing, bearing date the 10th day of September, Anno Domini one thousand seven hundred and seventy-seven, copy whereof is herunto annexed, doth, for and on behalf of the said Hortales & Co. represented by Mr. Beaumarchais, as aforesaid, in virtue of the powers in him vested, contract, agree, and engage, to and with the hon. William Ellery, James Forbes, William Henry Drayton, and William Duer, Esquires, a Committee of Commerce, properly appointed and authorized by the delegates of the United States of America, in Congress assembled, to enter into, execute, ratify, and confirm this contract, for and on behalf of the said United States, as follows:

First, That the costs and charges of the several cargoes already shipped by the said Roderique Hortales & Co. shall be fairly stated at the current prices and usual mercantile charges in France, of the dates at which they were shipped.

Second, That the freight of the said cargoes shall be charged agreeable to the contract made by and between Mr. Beaumarchais, Mr. Silas Deane, and Mr. Montieur.

Third, That all orders for cannon, mortars, bombs, arms, ammunition, clothing, or other stores, which may hereafter be transmitted to Messrs. Roderique Hortales and Co. or delivered to their agents in America by the said committee, or any other persons properly authorized by Congress to transmit or deliver such lists or orders, shall be executed and shipped with all possible despatch.

Fourth, That all articles, to be hereafter shipped to America in virtue of this contract, shall be provided as nearly to the orders as possible, at not higher than the current prices, and attended with the most moderate charges, not higher than the usual mercantile charges of the place from whence they are exported.

Fifth, That good ships shall be chartered or bought, on the most moderate terms, for transporting the stores to America, and carrying back such cargoes as the committee shall choose to ship in them.

Sixth, That agents appointed under the authority of Congress, shall have free liberty to inspect the quality, and require the prices of all articles to be shipped for the account of the United States, with power to reject such as they judge unfit or too high charged; they shall also be party in the charters and purchases of ships to be employed in this service.

Seventh, That bills on the house of Roderique Hortales & Co. aforesaid, for twenty-four millions of livres tournois, annually, shall be duly honored and paid, the bills to be drawn at double usance, and at the following periods, viz: in the months of May, July, September, November, January, and March, for four millions each two months.

In consideration whereof, the said William Ellery, James Forbes, William Henry Drayton, and William Duer, Esqrs. commercial committee of Congress, by virtue of the powers and authorities delegated to them by the Congress, do, for and on behalf of the said United States, covenant, agree, and engage with the said Roderique Hortales & Co. by their said agent, as follows:

First, That remittances shall be made, by exports of American produce and otherwise, to the said Roderique Hortales & Co. or their agent, for the express purpose of discharging the debt already justly due, or hereafter to become justly due, in consequence of this agreement.

Second, That all cargoes of merchandise shipped on account of the United States for France, and appropriated towards the discharge of the said debt, shall be addressed to the house of Roderique Hortales & Co. or their assigns, for sale, subject, however, to the inspection and control of an agent appointed under the authority of Congress, who shall have liberty to inspect the quality of such merchandise, assent to, or reject, the prices offered, postpone the sales, and do every thing for the interest of his constituents.

Third, That the customary interest of France, not exceeding six per cent. per annum, shall be allowed on the debt already due, or that from time to time may be due to the said Roderique Hortales and Co. in virtue of this agreement, computing the interest on money from the time of its being paid, and on goods by them exported, from the usual periods of commercial credits on such goods.

Fourth, That any payments of continental currency in America required by the said Roderique Hortales & Co. or their agents, and agreed to by Congress, shall be computed at the current or equitable

course of exchange at the date of the payment, and interest be discounted on the amount from that date.

Fifth, That the remittances to be made for the purpose of extinguishing the debt now due, or to become due to the said Roderique Hortales and Co. shall be made at such times and seasons as shall be most safe and convenient for the American interest, but are to continue until the entire debt, principal and interest, shall be fully and fairly discharged.

Sixth, That a commission of two and a half per centum shall be allowed to the said Roderique Hortales and Co. on the amount of the invoices, freight, or other charges and moneys paid and disbursed by them for account of the United States.

Seventh, That the customary commissions in France shall be also allowed the said Roderique Hortales and Co. on the amount of all payments made to them on account of the United States.

Provided, always, That the seventh article of this agreement, respecting the annual supply of twenty-four millions of livres, shall not be considered as absolutely binding upon either of the parties to this contract, unless the same shall be ratified by Roderique Hortales & Co. and the commissioners of the United States at Paris, for which purpose it is agreed to be submitted to them; any thing herein contained, to the contrary notwithstanding.

But it is, nevertheless, to be understood, that the United States may and shall have liberty to draw, in the course of five or six months from the date hereof, upon the said Roderique Hortales & Co. for the sum of one hundred thousand pounds sterling equal to two millions and three hundred thousand livres tournois, which shall be duly paid.

In witness whereof, the contracting parties have hereunto set their hands and seals, this sixteenth day of April, in the year of our Lord one thousand seven hundred and seventy-eight.

J. B. L. THEVENEAU DE FRANCIS,
WILLIAM ELLERY,
JAMES FORBES,
WM. HENRY DRAYTON,
WILLIAM DUER.

Signed, sealed, and delivered, in presence of
CHARLES THOMSON,
Secretary of Congress.

No. 35.

*Extract of a letter from Doctors Franklin and Lee, and Mr. Adams,
to the Secret Committee of Congress, dated*

PASSY, 29th July, 1778.

“ We have not yet seen Mr. Beaumarchais, but the important concern with him shall be attended to as soon as may be.”

No. 36.

PARIS, September 10th, 1778.

His Excellency Count de Vergennes:

SIR: By some of the last ships from America, we received from Congress certain powers and instructions, which we think it necessary to lay before your excellency, which we have the honor to do in this letter.

On the 13th of April last, Congress resolved "that the commissioners of the United States in France be authorized to determine and settle with the house of Roderique Hortales and Co. the compensation, if any, which, by them, for the use of the United States, previous to the 14th day of April, 1778, over and above the commission allowed them in the 6th article of the proposed contract between William Ellery, James Forbes, W. H. Drayton, and William Duer, Esqs. committee of Congress, and John Baptist Lazarus Theveneau de Francis."

In the letter of the Committee of Commerce to us, in which the foregoing resolution was enclosed, the committee express themselves thus: "this will be accompanied by a contract entered into between John Baptist Lazarus de Theveneau de Francis, agent of Peter Augustine Caron de Beaumarchais, representative of the house of Roderique Hortales and Co. and the Committee of Commerce. You will observe that their accounts are to be fairly settled, and what is justly due, paid for us. As, on the one hand, Congress would be unwilling to evidence a disregard for, and contemptuous refusal of the spontaneous friendship of his most Christian Majesty, so, on the other, they are unwilling to put into the private pockets of individuals, what was graciously designed for the public benefit. You will be pleased to have their accounts liquidated, and direct, in the liquidation thereof, that particular care be taken to distinguish the property of the crown of France from the private property of Hortales and Co. and transmit to us the accounts, so stated and distinguished. This will also be accompanied by an invoice of articles to be imported from France, and resolves of Congress relative thereto. You will appoint, if you should judge proper, an agent or agents to inspect the quality of such goods as you may apply for to the house of Roderique Hortales and Co. before they are shipped, to prevent any impositions."

On the 16th of May last, Congress resolved, "that the invoice of articles to be imported from France, together with the list of medicines approved by Congress, be signed by the Committee of Commerce, and transmitted to the Commissioners of the United States at Paris, who are authorized and directed to apply to the house of Roderique Hortales and Co. for such of the said articles as they shall have previously purchased or contracted for. That copies of the invoice be delivered to Monsieur de Francis, agent for Roderique Hortales and Co. together with a copy of the foregoing resolution, and that the

articles to be supplied by the house of Roderique Hortales and Co. be not insured, but that notice be given to the Commissioners in France, that they may endeavor to obtain a convoy for the protection thereof."

We have the honor to enclose to your excellency a copy of the contract made between the committee and Mr. Francis, a copy of Mr. Francis's powers, and a copy of the list of articles to be furnished according to that contract, that your excellency may have before you all the papers relative to this subject. We are under the necessity of applying to your excellency upon this occasion, and of requesting your advice.

With regard to what is passed, we know not who the persons are who constitute the house of Roderique Hortales and Co. but we have understood, and Congress has ever understood, and so have the people in America in general, that they were under obligations to his Majesty's good will, for the greatest part of the merchandise and warlike stores heretofore furnished under the firm of Roderique Hortales and Co. We cannot discover that any written contract was ever made between Congress, or any agent of theirs, and the house of Roderique Hortales and Co. nor do we know of any living witness, or any other evidence, whose testimony can ascertain to us, who the persons are that constitute the house of Roderique Hortales and Co. or what were the terms upon which the merchandise and munitions of war were supplied, neither as to the price, nor the time or conditions of payment.

As we said before, we apprehend that the United States hold themselves under obligations to his Majesty for all these supplies, and we are sure it is their wish and their determination to discharge the obligation to his Majesty, as soon as Providence shall put it in their power. In the mean time, we are ready to settle and liquidate the accounts, according to our instructions, at any time, and in any manner, which his Majesty and your Excellency shall point out to us.

As the contract for future supplies is to be ratified or not ratified by us, as we shall judge expedient, we must request your Excellency's advice, as a favor, upon this head, and whether it would be safe or prudent in us to ratify it, and in Congress to depend upon supplies from this quarter. Because, if we should depend upon this resource for supplies, and be disappointed, the consequences would be fatal to our country.

B. FRANKLIN,
ARTHUR LEE,
JOHN ADAMS.

No. 37.

Extract of a letter from the Count de Vergennes to Mr. Gerard.

The plenipotentiaries, (Dr. Franklin and his colleagues) have just addressed to me an official note, which embraces two objects; the first

concerning the settlement of the account of M. de Beaumarchais, under the name of the house of Roderique Hortales & Co. and the second concerning the ratification of the contract which Congress, or rather the Committee of Commerce, in their name, have formed with the Sieur Theveneau de Francis, agent of the Sieur Caron de Beaumarchais. Dr. Franklin and his colleagues wished to know the articles which have been furnished by the King, and those furnished by M. de Beaumarchais on his own account; and they intimate that Congress are persuaded that all, or at least a great part, of what has been sent forward, is on account of his Majesty. In reply, I have informed them that the King has furnished nothing; that he simply permitted Mr. de Beaumarchais to provide himself from his arsenals, on condition of replacing the articles; and further, that I would with pleasure interpose to prevent them from being pressed for the reimbursement of the articles of a military nature.

With respect to the contract formed with the Sieur Francis, the commissioners have the power of ratifying or rejecting it; and they apply for my advice as to what they should do. As I do not know the house of Roderique Hortales & Co. and cannot undertake for them, it is impossible for me to form an opinion of their solidity or punctuality in fulfilling their engagements. You will be pleased, sir, to communicate these two replies to Congress. I am persuaded that they will feel the justice of them.

No. 38.

Extract of a letter from Doctors Franklin and Lee and Mr. Adams to the Secret Committee of Congress, dated at

Passy, 7th November, 1778.

“ We are very unhappy that we are not able to send to Congress those supplies of arms, ammunition, and clothing, which they have ordered; but it is absolutely impossible, for want of funds, and Mr. Beaumarchais has not yet informed us whether he will execute the agreement made for him with you, or not.”

No. 39.

From Dr. Lee to the Secret Committee of Congress, dated at Paris, 5th January, 1779.

[EXTRACT.]

“ We wrote to Mr. Beaumarchais upon our receiving your letter, and the agreement with his supposed company, that we were ready to settle accounts with him whenever he chose. He has made no answer.”

No. 40.

From the same to the same, dated Paris, 25th February, 1779.

[EXTRACT.]

Mr. Deane is entirely at a loss to understand what I mean by saying, almost every thing remained to be paid for. I will tell him some gross sums, which may satisfy him, without descending to a multitude of lesser.

Mr. Beaumarchais' demand	-	-	-	-	\$ 6,000,000
Mr. Monthieus	-	-	-	-	674,000
Mr. Williams	-	-	-	-	300,000
					<hr/>
					\$ 6,974,000
					<hr/>

No. 41.

Arthur Lee to the Chairman of the Secret Committee, dated

20th April, 1779.

Three months before Mr. Deane's arrival, Mr. Beaumarchais settled with me in London the sending these supplies of money and munitions of war by the Cape, under the firm of Hortales & Co. and that I should apprize Congress of it, which I did by Mr. Story and other opportunities, as the gentlemen of the secret committee know. The very despatches by Mr. Carmichael, which Mr. Deane stands charged with having opened, and most certainly detained, gave, also, if my memory does not much deceive *me, the same intelligence. Upon Mr. Beaumarchais' return to Paris he wrote me several times concerning these supplies, mentioning the difficulties which are in the execution, from the timidity of the court, but that he was putting it into the mercantile train, which would soon overcome all difficulties. I did not fail to press the despatch of them, and proposed too, the sending some ships of war to protect our coast, exactly similar to what we were afterwards instructed by Congress to obtain.

I do not state this to assume any merit to myself for these supplies. I had none. Mr. Beaumarchais sought me out in London. He found me by means of Mr. Wilkes, and communicated to me what I was to convey to Congress; that the sum of two hundred thousand Louis d'ors, from this court, were ready for our support. It was therefore no address of mine that procured this aid. I was only the

* My situation in London prevented me from keeping copies of my despatches, which might have been evidence against my life.

instrument of conveying this intelligence. As far as I know, the merit is due to Mr. Beaumarchais. I never refused it to him. But I objected to his making demands directly contrary to what he had repeatedly assured me, and not only desired, but urged me to report to Congress. I did so, and I never retract one iota of that information.

When the business was thus settled and in this train, Mr. Deane arrived. [Vol. 2, p. 132.]

No. 42.

B. Franklin to Robert Morris, Esq.—dated

PASSY, August 12, 1782.

“The plan you intimate for discharging the bills in favor of Beaumarchais, though well imagined, was impracticable. I had accepted them, and he had discounted them, or paid them away, or divided them among his creditors. They were, therefore, in different hands, with whom I could not manage the transactions proposed. Besides, I had paid them punctually when they became due, which was before the receipt of your letter on that subject. That he was furnished with his funds by the government here, is a supposition of which no foundation appears. He says it was by a company he had formed; and when he solicited me to give up a cargo in part of payment, he urged, with tears in his eyes, the distress himself and associates were reduced to, by our delay of remittances. I am glad to see that it is intended to appoint a commissioner to settle all our public accounts in Europe. I hope he will have better success with M. Beaumarchais than I have had. He has often promised, solemnly, to render me an account in two or three days. Years have since elapsed, and he has not yet done it. Indeed, I doubt whether his books have been so well kept as to make it possible.” Vol. I. p. 288.

No. 43.

Extract of a letter from Robert Morris, Esq. to the Minister of France, dated January 13, 1783.

“As to Mr. de Beaumarchais’ bills, I expected that some arrangements might have been taken with relation to them, according to our conversations, for although you declared that you had no instructions on that subject, yet you saw, with me, that our funds would not bear

such a deduction, and the line of conduct which you advised, was precisely that which I pursued, as I shall presently have occasion to mention."

Extract from the same letter.

"It was not, therefore, until the investigation of Mr. Grand's accounts, that I was struck with the deficiency abovementioned, and which arose from the difference of one million due on the former transactions more than I had calculated, and two millions and a half to Mr. Beaumarchais. The moneys which I supposed to be at my sole disposal, were, I found, subject to Mr. Franklin's order, and therefore Mr. Grand, instead of six millions, possessed only two and a half to answer my bills drawn in 1782. I had written to Dr. Franklin in the manner agreed between us, as to Mr. de Beaumarchais, but the money was paid before the letter arrived. I should not, however, do that justice to Mr. Franklin which I ought, if I did not observe that I think he was perfectly right in causing these bills to be paid.

"You will consider, sir, that they had been drawn in 1779, and negotiated for three years through different parts of Europe and America, on the public faith and credit of the United States. It is a moderate calculation to suppose that a thousand different people were interested in the sum of three and a half millions; protesting the bills, therefore, would have sent them back again, from one person to another, affixing a stigma on our character wherever they went."

No. 44.

Extract of a contract concluded on the 25th February, 1783, between His Most Christian Majesty and the United States of North America, signed by Count Vergennes and Benjamin Franklin.

ARTICLE 2.

For better understanding the fixing the periods for the reimbursement of the six millions at the Royal Treasury; and, to prevent all ambiguity on this head, it has been found proper to recapitulate here the amount of the preceding aids granted by the King to the United States, and to distinguish them according to their different classes.

In the third class are comprehended the aids and subsidies furnished to the Congress of the United States, under the title of gratuitous assistance from the pure generosity of the King; three millions of which were granted before the treaty of February, 1778, and six mil-

lions in 1781, which aids and subsidies amount, in the whole, to nine millions livres tournois. His Majesty here confirms, in case of need, the gratuitous gift to the Congress of the said Thirteen United States.

No. 45.

Extract of a letter from B. Franklin to Mr. Grand, banker at Paris, dated Philadelphia July 11th, 1786.

“I send you enclosed some letters that have passed between the Secretary of Congress and me, respecting three millions of livres, acknowledged to have been received before the treaty of February 17, 1778. as *d'un gratuit* from the King, of which only two millions are found in your account, unless the million from the farmers general be one of the three. I have been assured that all the money received from the King, whether as loan or gift, went through your hands; and as I always looked on the million we had of the farmers general to be distinct from what we had of the Crown, I wonder how I came to sign the contract acknowledging three millions of gift, when, in reality, there was only two, exclusive of that from the farmers; and, as both you and I examined the project of the contract before I signed it, I am surprized that neither of us took notice of the error. It is possible that the million furnished ostensibly by the farmers, was, in fact, a gift of the crown; in which case, as Mr. Thompson observes, they owe us for the two ship loads of tobacco they have received on account of it. I most earnestly request of you to get this matter explained, that it may stand clear before I die, lest some enemy should afterwards accuse me of having received a million not accounted for.”

No. 46.

Letter from Mr. Grand to Dr. Franklin, dated Paris, 9th Sept. 1786.

DEAR SIR: The letter you honored me with, covered the copies of three letters, which Mr. Thomson wrote you to obtain an explanation of a million, which is not to be found in my accounts. I should have been very much embarrassed in satisfying him, and proving that I had not put that million in my pocket, had I not applied to Mr. Durival, who, as you will see by the answer enclosed, informs me, that there was a million paid by the royal treasury on the 10th of June, 1776. This is the very million about which Mr. Thomson inquires, as I have kept an account of the other two millions, which were also furnished by the royal treasury, viz: the million in June and April, 1777; the other in July and October, of the same year, as well as that furnished by the farmers general in June, 1777.

Here, then, are the three millions exactly, which were given by the king before the treaty of 1778, and that furnished by the farmers general. Nothing then remains to be known but who received the first million, in June, 1776. It could not be by me, who was not charged with the business of Congress until January, 1777. I therefore requested of Mr. Durival the copy of the receipt for the one million. You have the answer which he returned to me. I wrote to him again, renewing my request; but, as the carrier is just setting off, I cannot wait to give you his answer; but you will receive it in my next, if I receive one. In the mean while, I beg you will receive the assurance of the sentiments of respect, with which I have the honor to be. &c.

GRAND.

Paris, 9th September, 1786.

No. 47.

Letter from Mr. Durival to Mr. Grand, Versailles, August 30th, 1786.

SIR: I have received the letter which you did me the honor to write the 28th of this month, touching the advance of a million which you say was made by the general farm to the United States of America, the 3d of June, 1777. I have no knowledge of that advance: what I have verified is, that the king, by the contract of the 25th February, 1783, has confirmed the gratuitous gift which his majesty has previously made of the three millions hereafter mentioned, viz.

One million, delivered by the royal treasury, the 10th of June, 1776; and two other millions, advanced also by the royal treasury, in 1777, on four receipts of the deputies of Congress, of the 17th January, 3d April, 10th June, and 15th October, of the same year. This explanation will, sir, I hope, resolve your doubt touching the advance of the 3d of June, 1777. I further recommend to you, sir, to confer on this subject with Mr. Gerard, who ought to be better informed than us, who have no knowledge of any advances but those made by the royal treasury.

I have the honor to be, &c.

DURIVAL.

Postscript from Mr. Grand.

I hazard a letter, in hopes it may be able to join that of the 9th, at L'Orient, in order to forward to you, sir, the answer I have just received from Mr. Durival. You will, therefore, see, sir, that, notwithstanding my intreaty, the minister himself refuses to give me the copy of the receipt which I asked for. I cannot conceive the rea-

son for this reserve, more especially since, if there has been a million paid, he who received it has kept the account, and must, in time, be known.

I shall hear, with pleasure, that you have been more fortunate in this respect in America than I have been in France, and repeat to you the assurance of the sentiments of regard with which

I have the honor to be, &c. &c.

GRAND.

Paris, 12th September, 1786.

No. 48.

VERSAILLES, *September 5th, 1786.*

I laid before the Count de Vergennes the two letters which you did me the honor to write, touching the three millions, the free gift of which the king has confirmed in favor of the United States of America.

The minister, sir, observed, that this gift has nothing to do with the million which the Congress may have received from the general farm in 1777: consequently, he thinks that the receipt which you desire may be communicated to you, cannot satisfy the object of your view, and that it would be useless to give you the copy which you desire.

I have the honor to be, &c.

DURIVAL.

No. 49.

VERSAILLES, *10th September, 1786.*

I have laid before M. the Count de Vergennes, as you, sir, seem to desire, the letter which you did me the honor to write yesterday. The minister persists in the opinion, that the receipt, the copy of which you request, has no relation with the business with which you was entrusted on behalf of Congress, and that this piece would be useless, in the new point of view in which you have placed it. Indeed, sir, it is easy for you to prove that the money in question was not delivered by the royal treasury into your hands, as you did not begin to be charged with the business of Congress until January, 1777, and the receipt is of the date of 10th June, 1776.

I have the honor to be,

With particular attachment, &c.

DURIVAL.

No. 50.

Letter from Dr. Franklin to Charles Thomson, Esq.

DEAR FRIEND:

PHILADELPHIA, January 25, 1787.

You may remember that in the correspondence between us in June last, on the subject of a million *free gift*, of the king of France, acknowledged in our contract to have been received, but which did not appear to be accounted for in our banker's accounts, unless it should be the same with the million said to be received from the Farmers General, I mentioned that an explanation might doubtless be easily obtained, by writing to Mr. Grand or Mr. Jefferson. I know not whether you have accordingly written to either of them, but, being desirous that the matter should be speedily cleared up, I wrote myself to Mr. Grand a letter upon it, of which I now enclose a copy, with his answers, and several letters from Mr. Durival, who is *Chef du Bureau des Fonds* (and has under his care *la Finance des affaires etrangeres*). You will see by these letters, that the million in question was delivered to somebody on the 10th June, 1776, but it does not appear to whom. It is clear that it could not be to Mr. Grand, nor to the commissioners from Congress, for we did not meet in France until the end of December, 1776, or beginning of January, 1777; that banker was not charged before with our affairs. By the minister's refusing him a copy of the receipt, I conjectured it must be money advanced for our use to Beaumarchais, and that it is a *mistere du cabinet*, which, perhaps, should not be further inquired into, unless necessary to guard against more demands than may be just, from that agent. For, it may well be supposed, that if the court furnished him with the means of supplying us, they may not be willing to furnish authentic proofs of such a transaction so early in our dispute with Britain.

Pray tell me, has he dropt his demands, or does he still continue to worry you with them?

I should like to have these original letters returned to me, but you may, if you please, keep copies of them.

It is true, the million in question makes no difference in your accounts with the king of France, it not being mentioned or charged as so much lent and to be repaid, but stated as freely given.

Yet, if it was put into the hands of any of your agents or ministers, they ought certainly to account for it. I do not recollect whether Mr. Deane had arrived in France before the 10th June, 1776; but, from his great want of money when I joined him a few months after, I hardly think it could have been paid him.

Possibly, Mr. Jefferson may obtain the information though Mr. Grand could not; and I wish he may be directed to make the inquiry, as I know he would do it directly, I mean if by Hortales & Co. farther demands, or for any other other reason, such an inquiry should be thought necessary.

I am ever, my dear friend,

Yours, most affectionately,

CHARLES THOMSON, Esq.

B. FRANKLIN.

No. 51.

[TRANSLATION.]

The Minister Plenipotentiary of the United States to the French Republic, to the Commissary of Exterior Relations.

SAINPORT, June 21st, 1794, 3d Messidor.

During the last war, there were furnished by France to the United States of America, sundry sums of money, either as loans or gratuities.

The first of these advances was one million. It appears to have been made on the 10th of June, 1776, and is charged as part of the gratuities; but it is not known to whom it is paid, or for what purpose expended. Doctor Franklin, in adjusting the accounts of the United States with the French minister, neglected to demand information on this subject, and afterwards, when the banker of the United States applied, in the months of August and September, 1786, to Mr. Durival, he was answered, that his demand had been communicated to the Count de Vergennes, and that this minister persisted in believing, that the receipt in question could be of no use to the banker, since he was not charged with the pecuniary affairs of the United States before the month of January, 1777, and that this payment had been made on the 10th of June, 1776. Our ministers were also told, that it was unnecessary to insist on information regarding a payment which did not form a part of the sums to be reimbursed by the United States. Doctor Franklin concluded that this advance had been placed in the hands of the Sieur Beaumarchais, and that it was a mystery of the cabinet, an explanation of which ought to be a matter of indifference to us, unless it should be necessary to oppose this sum against the claims of the Sieur Beaumarchais, for supplies shipped by him to the United States.

This casualty has occurred; but, independent of it, you will perceive, that the payment of it having been acknowledged by the United States, the receiver, whoever he be, ought to render to them an account of its expenditure. Besides, mysteries serve too often no other purpose than to hide dilapidations, of which the people are the victims.

It is therefore given me in charge, to solicit a communication of the documents which relate to the free gift of one million, made by France to the United States on the 10th of June, 1776. I believe they may be found amongst the papers of the Sieur Durival, then principal of the office of foreign affairs; and I address myself to you on this occasion, with the more confidence, as I am fully persuaded of the good will of the French government towards the United States.

GOUV. MORRIS.

No. 52.

[TRANSLATION.]

At Paris, 19th Messidor, of the 2d year of the Republic, one and indivisible.

LIBERTY, EQUALITY, FRATERNITY, OR DEATH.

The Commissary of Exterior Relations, to the Minister Plenipotentiary of the United States.

By your letter of the third of this month, you requested a communication of the documents, which relate to the employ of a million advanced to the United States on the 10th June, 1776.

I communicated this request to the committee of public safety, which has found it to be due from its justice to give the satisfaction to the United States, which had been refused to them by the ministers under the old regime. In consequence of which, I have caused the necessary search to be made, and I enclose herewith a copy of a receipt, dated June 10th, 1776, which appears to be the one necessary to the United States, in adjusting their accounts.

Mystery, as you very well remark, does not suit two people united by all the ties of friendship and a common interest.

BUCHOT.

No. 53.

[TRANSLATION.]

1776.

I have received from Monsieur Du Vergier, agreeably to the orders transmitted to him, of Monsieur the Count of Vergennes, dated 5th current, the sum of one million, for which I will account to my said Sieur Count de Vergennes.

At Paris, 10th June, 1776.

CARON DE BEAUMARCHAIS.

Good for one million of livres tournois.

True copy.

BUCHOT.

No. 54.

[TRANSLATION.]

The Minister of Finances to citizen de la Rue.

PARIS, 24th Fructidor, 8th year of the French Republic, }
one and indivisible.

I have communicated, citizen, to the Treasury, and to the national accountant office, the petition by which you ask, as being heir to Ca-

ron de Beaumarchais' estate, that a certificate be delivered to you, in order to prove that the payment of a million, said to have been made the 10th of June, 1776, to Beaumarchais, by the *ci-devant* Royal Treasury, for the United States of America, was never effected.

It results, from the information received by the Director of the public Treasury that the account of the year 1776 was rendered by citizen Lavalette, senior ancient guard of the Treasury, to the *ci-devant* chamber of accounts, where it was judged; and that the books and journals of that year, and of the subsequent years, have not been deposited at the Treasury, but have remained in the custody of that ancient guard; therefore, the director has not in his power to undertake the verification by you demanded. He declares, nevertheless, that, if the payment of one million has been made the 10th June, 1776, it must have been carried as expenses with the vouchers, in the accounts of that year.

As to the commissioners of the national account office, they have announced, by their letter of the 12th instant, that they have ordered the most exact research to be made in the accounts of the *ci-devant* royal treasury of the year 1776, rendered by citizen Lavalette, ancient guard of the treasury, of the million which is thought to have been paid on the 10th of June, for account of the United States of America; but that not a single article relative to that payment, has been found in the said accounts, and in those subsequent.

Such is, citizen, the result of the researches which have been made on the subject of your petition. These informations must answer instead of the declaration which you wish for.

The Minister of Finances,

GAUDIER.

The Minister of Exterior Relations certifies true the signature of the Minister of Finance abovementioned.

CH. MAU. TALLEYRAND.

By the Minister,

[L. S.]

D. HERMARA:

PARIS, 8th *Vindemiaire*, 8th year.

The undersigned, Envoys Extraordinary and Ministers Plenipotentiary of the United States of America, certify that the above signature of Ch. Mau. Talleyrand, is that of the Minister of Exterior Relations of the French Republic.

OLIVER ELLSWORTH,
WILLIAM R. DAVIE.

PARIS, 2d October, 1800.

A Paris le 19 Messidor, de l'an 2d de la Republique, une et indivisible.

LIBERTE, EGALITE, FRATERNITY, OU LA MORT.

Le Commissaire des Relations Exterieures, au Ministre Plenipotentiaire des Etats Unis.

Par votre lettre du 3 de ce mois vous me demandez communication des pièces, qui constatent l'emploi d'un million avancé aux Etats Unis le 10 Juin, 1776.

J'ai communiqué cette demande au comité de salut public qui a trouvé qu'il étoit de sa justice de donner, à cet egard, aux Etats Unis, la satisfaction qui leur avoit été refusée par les ministres de l'ancien regime. J'ai fait faire, en consequence, les recherches necessaires, et Je joins ici copie d'une quittance datée du 10 Juin 1776, qui paroît etre celle dont le gouvernement des Etats Unis a besoin pour regler ses comptes.

Comme vous l'avez très bien observé, le mystère ne convient aucunement à deux peuples unis par tous les liens de l'amitié et d'un interet commun.

BUCHOT.

True copy.

1776.

J'ai reçu de Monsieur du Vergier conformément aux ordres de Monsieur le Comte Vergennes en date du 5 courant, que je lui ai remis la somme d'un million, dont je rendrai compte à mon dit Sieur Comte de Vergennes.

A Paris ce 10 Juin 1776.

CARON DE BEAUMARCHAIS.

Bon pour une million de livres tournois.

Pour copie conforme. Le commissaire des relations exterieures.

BUCHOT.

True copy.

GEORGE TAYLOR, JR.

Du 7 Decembre, 1776. Versailles.

Remboursement d'une avance de fonds pour un object dépuise secrète.

Il y a environ six mois que le Roi jugea à propos d'ordonner l'avance d'un million de livres tournois pour un object secret relatif au service politique de sa majesté et réservé à sa connoissance. Le Sr. de Harvelay garde du trésor Royal a fait cette avance de ses

propres fonds et l'application en a été faite suivant les intentions du Roi. Il me reste à prendre les ordres de sa majesté pour le remboursement de l'imprunt et des intérêts. Pour cet effect, j'ai l'honneur de proposer au Roi de vouloir bien approuver qu'il en soit acquitté cinq cent mille livres avec les intérêts des fonds du service politique que je prévois pouvoir rester libres à la fin de l'exercice courant et le surplus sur ceux de 1777. Si le Roi a la bonté d'agréer cet arrangement, je supplie sa majesté de le confirmer par sa décision et d'autoriser l'expédition des ordonnances nécessaires en conséquence.—*Bon.*

DEUX PIECES.

Avance ordonnée d'un million en 1776 pour le service politique du Roi.

Ordre pour tenir prêt ledit million et mandat pour l'acquitter.

1ere Pièce.

Monsieur D'Harvelay tiendra a sa disposition un million de livres pour ne se'n dessaisir que sur l'ordre particulier que je lui en adresserai. Ledit million est pour affaires du Roi. A Versailles le samedi 4 Mai 1776.

DE VERGENNES.

2e Pièce.

Monsieur d'Harvelay payera au Porteur de ce mandat la somme d'un million de livres en conformité de l'ordre du 4 Mai de la présente année et il en rapportera quittance—il fera etat de ce million et de l'interêt de cette avance dans le compte qu'il rendra à la fin de cette année de sa gestion des fonds des affaires étrangères—à Versailles le cinq juin mil sept cent soixante seize.

DE VERGENNES.

Bon, pour un million de livres.

No. 55.

Report of the Committee of Claims on the petition of Amelie Eugenie Beaumarchais, March 10, 1806.

The Committee of Claims, to whom was referred the petition of Amelie Eugenie Beaumarchais, representative of Caron de Beaumarchais, deceased, by J. A. Chevallic, her attorney, submit the following report:

The accounts between the United States and the late Caron de Beaumarchais have undergone a long and laborious investigation at the Treasury. On mature consideration, a balance has been found due from the United States to the estate of Mr. Beaumarchais, of \$41,119 75; which sum is included in the estimates, and will be covered by the general appropriation for the current year. The petitioner, feeling herself aggrieved by this result, (as her demand exceeded half a million of dollars,) makes the present application to Congress, as an appeal to their justice from the decision of the accounting officers.

From the importance of the case, as well to the United States as to the petitioner, your committee have given it their most deliberate attention; they have duly examined the numerous documents furnished them by the Secretary of the Treasury; they have patiently listened to the arguments and representations of the petitioner's agent, and they have sought information from whatever source it might be obtained, calculated, in any degree, to explain the mystery in which no inconsiderable part of the claim is involved.

Of the several articles of complaint stated in the petition, one only, in the opinion of your committee, merits consideration. The other items of the demand have been adjusted on principles long established at the Treasury, and repeatedly sanctioned by the House. It is alleged by the petitioner, "that the Comptroller, without any sufficient reason, deducted from her demand one million of livres, on pretence that the same was paid to Caron de Beaumarchais, by the Government of France, for account of the United States, although there is no proof of any such payment."

Amongst the documents transmitted to the committee, is a copy of a letter, dated 20th November, 1802, from the Secretary of the Treasury to the Secretary of State, in justification of the decision already mentioned; which, it appears, had become the subject of a remonstrance to the Department of State, on the part of Mr. Pichon, the accredited agent of the French Government. This letter contains so clear and correct a view of the case, that your committee cannot present the subject to the House more advantageously than by incorporating it with their report. It is as follows:

“The claims of Mr. Beaumarchais against the United States, were partly on account of some money advances in Europe; but principally for field artillery, military stores, and clothing, shipped in 1776 and 1777. Although the artillery, and the greater part of the military stores, appeared to have been taken from the king's stores and arsenals, the French Government gave an official notification in 1779 to Congress, that the United States must account with Mr. Beaumarchais for those supplies.

“The accounts have been examined and stated by the Auditor of the Treasury in 1791, on equitable and liberal principles, leaving an apparent balance in favor of Mr. Beaumarchais; but with the reservation of a question relative to a sum of one million of livres tournois, which the Comptroller, after due examination, has considered as a just charge against Mr. Beaumarchais. In order to enable you fully to understand the reasons on which that decision (in which I concurred) was grounded, I do myself the honor to enclose copies of the following documents;

[The same documents are now submitted.]

“From those documents the following facts appear, and are not disputed by the parties:

“1st. The French Government furnished to the United States, as aids and subsidies, nine millions of livres tournois, viz: three millions before the treaty of February, 1778, and six millions in 1781, which nine millions were a gratuitous assistance, confirmed as such by the contract of the 25th February, 1783.

“2d. Of the three millions abovementioned, furnished before the treaty of February, 1778, two millions were paid to Mr. Grand, banker of the United States, and the other million was paid by the French Government, on the 10th day of June, 1776, to some person for the use of the United States, but neither to Mr. Grand nor to any other agent of the United States.

“3d. The payment of the last mentioned million, and the date when furnished, were, as well as the name of the person to whom paid, known to Count de Vergennes, as minister of foreign affairs. The fact itself, and the date, were communicated by him, although he did not think proper to disclose the name of the individual who had received the money.

“4th. On the 10th June, 1776, the same day on which the million was, with the knowledge, and probably through Mr. Vergennes' department, furnished by the government of France to some person, for the use of the United States, one million was, by order of Count Vergennes, paid to Mr. Beaumarchais, for which sum he was to be accountable to that minister.

“5th. When the American government applied, through its proper organ, to the French government, for the name of the person to whom the million had been advanced, for their use, the minister of exterior relations gave it as the result of his inquiries, that Mr. Beaumarchais was the man, and accordingly furnished the minister

of the United States with a copy of Mr. Beaumarchais' receipt for that sum.

"Such is the evidence which impressed a conviction that the advance of one million, made by the French government, on the 10th June, 1776, for the use of the United States, and the payment of one million, made by order of the minister of foreign affairs, to Mr. Beaumarchais, on the same day, were but one and the same transaction, and that the million having been, by a solemn contract, declared and acknowledged a gratuitous gift to the United States, was justly chargeable by them to Mr. Beaumarchais, who had received it.

"On Mr. Beaumarchais' part, the receipt of the million is acknowledged, but a declaration made, that he accounted for it to the French government. Of this, however, no proof is given; no official copy of that supposed settlement has been produced. Mr. Beaumarchais' own declarations on that transaction do not tend to elucidate the mystery, and the letter of the minister of finance, deposited by Mr. Beaumarchais' agent, so far as it proves any thing, corroborates the identity of the payment to Mr. Beaumarchais, as being the advance made for the use of the United States, by shewing that no other payment was made by the royal treasury, to the United States, during the year 1776.

"As the application, which has rendered this communication necessary, comes recommended by the French government, permit me to observe, that the whole evidence on which the Treasury's decision is grounded, has been furnished to us by that government. In 1783, the minister of foreign affairs announced the existence of that gratuitous gift. In 1786, he declared it was made on the 10th June, 1776. In 1793, his successor informed us that it was paid on that day to Mr. Beaumarchais. If, for want of power, or complete information, we have been led into an erroneous decision, it is to that government we must apply for the means of rectifying it. We well know that they cannot wish us to pay a sum, received 26 years ago, which, by solemn agreement, they have declared, and we have acknowledged, to be a gratuitous subsidy. But, if, on the 10th June, 1776, another million besides that paid to Mr. Beaumarchais, was advanced to any person for the use of the United States, either by the royal treasury, by the minister of foreign affairs, or by any other department of the government of France, it is only in the records of that government, that the evidence of that fact can be found; and if it shall be produced, we shall not hesitate to discharge Mr. Beaumarchais, and to debit the proper person; but, until such documents shall be furnished, as will ascertain such improbable fact, the officers of the Treasury are bound to consider the letter of the minister of exterior relations as conclusive evidence in support of their decision."

No farther communication seems to have been received from the French government upon this subject, until after the petition, now under consideration, was presented to the House, referred to the Committee of Claims; and by them transmitted to the Secretary of the Treasury. To him the French minister addressed a letter, under

date of 1st January, 1806, copy of which is herewith communicated, and from which the following is a translated extract:

"In consequence of the report made by Mr. Pichon, of the steps he had, by directions of his government, taken in favor of the heirs of Beaumarchais, and on the representation of that family on the subject of the said million, which was still charged to them, notwithstanding the constant denials made by Mr. de Beaumarchais of his having ever received any thing from the government of France, the minister of exterior relations ordered that the most exact researches should be made in the records of his department, in order to obtain some elucidations respecting the abovementioned million, to enlighten his judgment, and to determine how far government ought to interest itself in that transaction, and in favor of the Beaumarchais family. It has resulted that, in a file, entitled "United States," a receipt of Mr. Beaumarchais has been found, under the date of the 10th of June, 1776, (for a million*) which was given to him by orders of the King, *for an object of secret political service, of which he reserved the knowledge to himself.* (These are the identical words inserted in the said order;) also, the account rendered in the same year by Mr. de Vergennes to his Majesty, of the application of that sum in conformity with his intentions, and also several letters, proving that the same minister, solicited by the commissioners and agents of the United States, to give some elucidations on the object to which the said million had been applied, and on the name of the person who had received it, had uniformly refused it, and *when giving a new order to refuse it, had even caused to be declared, in 1786, that it would be inconvenient to grant the requested communication.*

"In consequence thereof, the undersigned minister plenipotentiary has been authorized:

1st. To renew the declarations, made since 1778, to the commissioners of the United States, and in 1779, by his predecessor, Mr. Gerard, to Congress; that the French government had† ever been unconnected with any of the commercial transactions of Mr. de Beaumarchais with the United States.

"2d. And to declare that the *million given the 10th June, 1776, was given for an object of secret political service, of which the King had reserved the knowledge to himself; that it was immediately applied, in conformity with his intentions, and the said application approved by him, as appears by the account rendered by Mr. de Vergennes, at the end of the year 1776; that it does not, therefore, appear either just or reasonable to confound that political object with the commercial operations of the same individual with Congress; and, consequently, that no induction can be drawn against the said Beaumarchais, as a personal creditor of the United States, for supplies furnished by him to them, from the voucher communicated by the ex-commissary of external relations, Buchot, to the American minister, since it so evidently appears that the million in question had a secret destination.*

* These words omitted in the original.

† Est reste constamment étranger a toutes les transactions, &c.

“The undersigned minister plenipotentiary will observe, that, by the forms used in France, in every secret operation, all the vouchers in support of the account are destroyed as soon as the competent authority has approved the expense; that the knowledge of the object to which the sums thus disbursed has been applied, remains only in the memory of the authority who gave the order, and of those who concurred in its execution; and that it cannot reasonably be supposed that Mr. de Vergennes should, even so late as 1786, have persisted in covering, with a veil of mystery, the application of the million in question, had it been given on account of the supplies furnished by Mr. de Beaumarchais.”

A satisfactory reply to the foregoing remarks will be found in the letter from the Secretary of the Treasury, addressed to the committee, and herewith presented. As this contains a summary statement of M. Beaumarchais' account, and a copy of his receipt already mentioned, the following extract is deemed necessary to be given:

“The balance reported by the Auditor in favor of Mr. Beaumarchais, was, 1st January, 1791, for principal, *livres* 771,703.15.7
And for interest, - - - *livres* 1,508,528.2.1

From which deducting the deductions

made by the Comptroller, those which

relate to the million only excepted, viz: 79,965,12.5

104,552,19.9

Would leave for the balance, on 1st Jan-

uary, 1791, - - -

- principal

667,250.15.10

And interest - - -

1,428,562.9.8

To which adding for interest on the prin-

cipal, 1st Jan. 1791, to 3d Feb. 1806, 604,186,14.6

2,032,749.4.2

2,700,000

would make an aggregate of 2,700,000 *livres*, equal to five hundred thousand dollars.

“In a contract concluded on the 25th February, 1783, between his Most Christian Majesty and the United States of North America, signed by Count Vergennes and Benjamin Franklin, which may be found in the appendix to the 12th volume of the printed journals of the old Congress, it was thought proper to recapitulate the amount of the preceding aids granted by the king to the United States, and to distinguish them according to their different classes, and after stating the several loans obtained from, or guarantied by France, the last class was designated in the following words:

“In the third class are comprehended the aids and subsidies furnished to the Congress of the United States, under the title of gratuitous assistance, from the pure generosity of the king; three millions of which were granted before the treaty of February, 1778, and six millions in 1781; which aids and subsidies amount, in the whole, to nine millions *livres* tournois. His majesty hereby confirms, in case of need, the gratuitous gift to the Congress of the said thirteen United States.”

“It was afterwards discovered that only two millions had been thus received by the United States, before the treaty of February, 1778: and, to an application made to Count Vergennes, in 1786, for the purpose of ascertaining when, and to whom, the other million had been paid, an answer was returned, that the said million was paid on the 10th day of June, 1776; (a date prior to the arrival of the Commissioners of the United States in France,) but a copy of the receipt was refused, and the minister did not think proper to disclose the name of the person who had received the money. On a subsequent application, made in 1794, to the French government, the minister of exterior relations gave it, as the result of his inquiries, that Mr. Beaumarchais was the person to whom the said million had been advanced, and accordingly furnished the minister of the United States with a copy of Mr. Beaumarchais’ receipt for that sum, and in the following words: *‘I have received from Monsieur Du Vergier, agreeably to the orders transmitted to him, of Monsieur the Count de Vergennes, dated the 5th current, the sum of one million, for which I will account to my said Sieur de Vergennes. At Paris, this 10th June, 1776. (Signed) Caron de Beaumarchais. Good for one million of livres tournois.’*”

“No doubt remains that the advance of one million, made by the French government on the 10th of June, 1776, for the use of the United States, and the payment of one million on the same day by order of the minister of foreign affairs to Mr. Beaumarchais, were but one and the same transaction. For it appears by the letter of the minister of finance, a copy of which is annexed to the document, (C) that no other payment was made by the royal treasury to the United States, during the year 1776; and, by the French minister’s note, (D) that Mr. Beaumarchais’s receipt, and the settlement of his account, together with the correspondence above mentioned with Count Vergennes on that subject, were found in the same file of papers, (*dossier*) and that the file was entitled “United States.” The million being thus identified, and having, by a solemn contract, been declared and acknowledged a gratuitous gift of France to the United States, has been considered as justly chargeable by them to Mr. Beaumarchais, who had received it.”

To these copious details it would seem almost superfluous to add a single remark, further than to refer the House to the numerous documents accompanying this report. It may not, however, be improper to observe, that two points only present themselves for examination. *Did Mr. Beaumarchais, on the 10th of June, 1776, receive from the French government one million of livres in behalf, or for account, of the United States? If so, has he, or his representative, at any time, accounted with the UNITED STATES for its expenditure?*

The affirmative of the first question is irresistibly proved, not only by the evidence already referred to, but even by the admission of the petitioner’s agent; notwithstanding the allegation in the petition, that no proof existed of any such fact.

In the second place, it is not pretended that any account of the expenditure has been rendered in form to the United States. But to

silence all claim on their part, it is averred that the money was received for a *secret political purpose*, (acknowledged to be beneficial to the United States,) and that the *French government* was, and still is, satisfied that the whole sum was duly applied to the object.

Admitting an agent or trustee might thus acquit himself of accountability to the party alone interested in his operations, a supposition directly opposed to the clearest and best established rules of justice as applicable to individuals, still, what is the evidence that a regular account of the disposition of this sum has ever been given, even to the government of France? Was the receipt either taken up or cancelled by Mr. Beaumarchais? or did he procure from the proper organ of the government, a release, or any other document, purporting his discharge from the liability created by the original instrument? Is it to be believed "the forms used in France" require, that in such cases, "all the vouchers in support of the account, as soon as the competent authority has approved the expense, are destroyed," whilst the original receipt for the money, is carefully preserved? and that a secret agent, when once made accountable, can never afterwards be discharged?

The declarations of Count De Vergennes, on which so much reliance is placed, are rather enigmatical than otherwise. Nor do the declarations of the minister, in his note of the 1st January last, afford a satisfactory solution of the question; especially when to these declarations is opposed the undisguised disclosure of the responsibility of Mr. Beaumarchais to the United States, which was made in form by the French government, in 1794.

That the services, rendered by Mr. B. to the United States, during their Revolution, were highly meritorious, is readily admitted. Whether these services entitle the petitioner to the bounty of Congress, is not now submitted to the consideration of the committee. They are restricted to the inquiry, whether she has a rightful demand upon their justice? And from every view they have been enabled to take of the subject, the claim does not appear to them to rest upon a solid basis.

Your committee are of opinion that the petitioner have leave to withdraw her petition.

No. 56.

D.

NOTE.

Le ministre plénipotentiaire de S. M. Impériale et Royale, sous-signée, a reçu de M. Chevallé, agent des héritiers, Beaumarchais, copie d'une pétition qu'il a adressé à l'honorable Congrès des Etats Unis, au sujet du règlement de compte des fournitures faites par feu M. de Beaumarchais aux dits Etats Unis, par laquelle il paroît que Messrs. les commissaires de la comptabilité ont porté au débet de

feu M. de Beaumarchais un million qu'ils ont supposé qu'il aura reçu du gouvernement de France à compte de ses fournitures.

D'après le compte rendu par M. Pichon, des démarches qu'il a faites en faveur des héritiers Beaumarchais, sur la recommandation du gouvernement, et d'après les représentations de cette famille au sujet du dit million, qui se trouvait toujours porté à leur débit, malgré les constantes dénégations faites par M. de Beaumarchais, qu'il n'avoit jamais rein rieu du gouvernement de France; le ministre des relations extérieures ordonna qu'il serait fait dans les archives de son département les recherches les plus exactes pour se procurer des éclaircissements sur le million dont il s'agit, éclairer sa justice et déterminer le degré d'intérêt que le gouvernement devait prendre dans la suite de cette affaire et au sort de la famille Beaumarchais.

Il est résulté qu'il a été trouvé dans un dossier intitulé *Etats Unis*, un reçu de M. de Beaumarchais sous la date 10 Juin, 1776, pour un million qui lui a été donnée par ordre du roi *pour un objet de service politique secret dont il se réservait la connaissance* (ce sont les propres mots insérés dans le dit ordre;) et le compte rendu à S. M. de l'emploi de cette somme, suivant ses intentions dans la même année par M. de Vergennes, et plusieurs lettres qui prouvent que ce même ministre sollicité par MM. les commissaires et agents des Etats Unis de donner des renseignements sur la destination du dit million et sur le nom de la personne qui l'avait reçu, s'y est constamment refusé, et a même fait déclarer en 1786, qu'il y aurait de l'inconvénient à accorder la communication demandée, en donnant un nouvelle ordre de la refuser.

En conséquence le ministre plénipotentiaire soussigné a été autorisé—

1°. A renouveler les déclarations faites depuis 1778, à MM. les commissaires des Etas-Unis et au Congrès en 1779 par M. Gerard, son prédécesseur, que le gouvernement François este resté constamment étranger à toutes les transactions mercantiles de M. de Beaumarchais avec les Etats-Unis.

2°. Et a déclarer que le million donné le 10 Juin 1776, à M. de Beaumarchais l'a été pour un objet de service politique secret, dont le roi s'est réservé la connaissance; que l'application en a été faite immédiatement suivant ses intentions et approuvée par lui; ainsi qu'il paroît, par le compte rendu par M. de Vergennes à la fin de la dite année 1776; qu'ainsi, il ne paroît ni juste, ni raisonnable, de confondre cet objet politique avec des opérations mercantiles du même particulier avec le Congrès, et que par consequent on ne peut tirer contre lui Beaumarchais, en sa qualité de créancier personnel des Etats-Unis, pour fournitures à eux-faites par lui, aucune induction de la pièce communiquée par l'ex-commissaire des relations extérieures, Buchot, au ministre Americain, puis qu'il paroît si évidemment que le million, dont il s'agit, a eu une destination secrète.

Le ministre plenipotentiaire soussigné observera que d'après les formes usitées en France dans toutes les operations secrettes, toutes les piecés à l'appui du compte sont détruites aussitôt que l'autorité a

approuvè la dépense: et qu'en consequence la destination des sommes y employées reste seulement dans ce mémoire de l'autorité, qui en a donné l'ordre, et de ceux qui ont concouru à son execution, et qu'on ne peut avec raison supposer que M. de Vergennes eût persisté même en 1786 à couvrir du voile du mistère la destination des fournitures faites par M. de Beaumarchais.

Le ministre plénipotentiaire, d'après les déclarations et observations ci-dessus, recommande, au nom de son gouvernement, à la loyauté et à l'honneur des Etats-Unis, les héritiers d'un particulier qui, ayant hazardé pour leur service sa fortune toute entière, ne leur a laissé d'autres ressources pour payer ses créanciers, et pour tout bien, que sa créance sur les Etats-Unis, aux quels son zèle et son activité ont été si essentiellement utiles, pendant la guerre, qui leur a valu leur liberté et leur rang parmi les puissances, que les Congrès précédants lui en ont témoigné plusieurs fois leur satisfaction dans les termes les plus honorables.

Le ministre plénipotentiaire en adressant à monsieur le Secrétaire de la Trésorie les déclarations et détails ci-dessus, pour en appuyer le rapport qui lui est demandé par le Congrès, le prie d'agréer les assurances de sa haute consideration.

TURREAU.

Washington City, January, 1806.

NOTE D.

[TRANSLATION.]

The undersigned, minister plenipotentiary of his Imperial and Royal Majesty, has received from Mr. Chevallie, agent of the heirs of Beaumarchais, a copy of a petition which he has presented to the honorable Congress of the United States, on the subject of the settlement of the account of supplies, furnished by the late Mr. de Beaumarchais, to the said states; by which it appears, that the accounting officers have debited the late Mr. de Beaumarchais with a million, supposed to have been received by him from the government of France, on account of the said supplies.

In consequence of the report made by Mr. Pichon, of the steps he had, by directions of his government, taken in favor of the heirs of Beaumarchais, and on the representation of that family, on the subject of the said million, which was still charged to them, notwithstanding the constant denials, made by Mr. de Beaumarchais, of his having ever received any thing from the government of France; the Minister of Exterior Relations ordered, that the most exact researches should be made in the records of his department, in order to obtain some elucidations respecting the abovementioned million, to enlighten his judgment, and to determine how far government ought to interest itself in that transaction, and in favor of the Beaumarchais family.

It has resulted, that, in a file, entitled "United States," a receipt of Mr. Beaumarchais' has been found, under the date of the 10th June, 1776, (for a million*) which was given to him, by orders of the king, *for an object of secret political service, of which he reserved the knowledge to himself*; (these are the identical words inserted in the said order) also the account rendered in the same year by Mr. de Vergennes, to his Majesty, of the application of that sum in conformity with his intentions, and also several letters, proving, that the same minister, solicited by the commissioners and agents of the United States to give some elucidations on the object to which the said million had been applied, and on the name of the person who had received it, had uniformly refused it, and, *when giving a new order to refuse it, had even caused it to be declared, in 1786, that it would be inconvenient to grant the requested communication.*

In consequence thereof, the undersigned minister plenipotentiary has been authorized:

1st. To renew the declarations made since 1778, to the Commissioners of the United States, and in 1779, by his predecessor, Mr. Gerard, to Congress, that the French government† had ever been unconnected with any of the commercial transactions of Mr. de Beaumarchais, with the United States. 2dly. And to declare, that *the million given the 10th of June, 1776, was given for an object of secret political service, of which the king had reserved the knowledge to himself; that it was immediately applied in conformity with his intentions, and the said application approved by him, as appears by the account rendered by M. de Vergennes at the end of the year 1776; that it does not, therefore, appear either just or reasonable to confound that political object with the commercial operations of the same individual with Congress; and, consequently, that no induction can be drawn against the said Beaumarchais, as a personal creditor of the United States, for supplies furnished by him to them, from the voucher communicated by the ex-commissary of external relations, Buchot, to the American minister, since it so evidently appears, that the million in question, had a secret destination.*

The undersigned minister plenipotentiary will observe, that, by the forms used in France, in every secret operation, all the vouchers in support of the account, are destroyed as soon as the competent authority has approved the expense; that the knowledge of the object to which the sums thus disbursed have been applied, remains only in the memory of the authority who gave the order, and of those who concurred in its execution; and that it cannot reasonably be supposed, that Mr. de Vergennes should, even so late as 1786, have persisted in covering with the veil of mystery the application of the million in question, had it been given on account of the supplies furnished by Mr. de Beaumarchais.

The minister plenipotentiary, in consequence of the preceding declaration and observations, recommends, in the name of his govern-

* These words omitted in the original.

† Est resté constamment étranger à toutes les transactions.

ment, to the justice and honor of the United States, the heirs of a man, who, having risked his whole fortune in their service, has left no other resource to pay his creditors, no other estate to his family, but the debt of the United States; to whom his zeal and activity were so essentially useful, during the war which secured their liberty, and gave them a rank amongst nations; that the former Congress gave him, several times, assurances of their satisfaction, in the most honorable terms.

The minister plenipotentiary, in addressing the preceding declaration and details to the Secretary of the Treasury, in order that they may accompany his report to Congress, requests him to accept the assurances of his high consideration.

TURREAU.

WASHINGTON CITY, 1st January, 1806.

No. 57.

TREASURY DEPARTMENT,

January 27, 1806.

SIR: I have the honor to enclose several documents respecting the late Mr. Beaumarchais' claim.

The Treasury settlement, marked A, shews the principles on which the account, which is for arms, military stores, and other supplies, furnished at the commencement of the Revolutionary war, has been adjusted, and exhibits a balance due to Mr. Beaumarchais' estate, of \$ 41,119 75, with interest from the 1st day of January, 1791; which balance has been included in the annual estimates of the appropriations necessary for the service of the year 1806.

For the grounds of the Comptroller's decision on three of the points complained of by the petitioner, viz. the commission, rate of exchange, and charge for sale of cordage at the Cape, I beg leave to refer to the Comptroller's letter, marked B, and to the documents accompanying the same.

The letter of the Secretary of the Treasury to the Secretary of State, marked C, together with the documents thereunto annexed, and the French minister's note of the 1st instant, marked D, relate to the million of livres charged to Mr. Beaumarchais as an advance made to him by the French government on account of the United States.

Should Congress be of opinion that he ought not to be charged with that sum, but that the account has, in other respects, been settled on proper principles, the balance due would be as followeth, viz :

The balance reported by the Auditor in favor of Mr.

Beaumarchais, was, on the 1st January, 1791, for principal, - - - - - livres 771,703 15 7

And for interest, livres 1,508,528 2 1

From which deducting the deductions made by the Comptroller, those which relate to the million only excepted, viz :

79,965, 12 5 104,552 19 9

Would leave for the balance, on

1st January, 1791, principal, - - -

667,250 15 10

And interest 1,428,562 9 8

To which, adding for interest on the principal from 1st January,

1791, to 3d February, 1806, 604,186 14 6

} 2,032,749 4 2

2,700,000 00 00

Would make an aggregate of 2,700,000 livres, equal to five hundred thousand dollars.

In a contract concluded on the 25th of February, 1783, between his Most Christian Majesty and the United States of North America, signed by Count Vergennes and Benjamin Franklin, which may be found in the appendix to the 12th volume of the printed journals of the old Congress, it was thought proper to recapitulate the amount of the preceding aids granted by the King to the United States, and to distinguish them according to their different classes; and, after stating the several loans obtained from or guarantied by France, the last class was designated in the following words: "In the third class are comprehended the aids and subsidies furnished to the Congress of the United States, under the title of gratuitous assistance, from the pure generosity of the King; three millions of which were granted before the treaty of February, 1778, and six millions in 1781; which aids and subsidies amount, in the whole, to nine millions livres tournois. His Majesty hereby confirms, in case of need, the gratuitous gift to the Congress of the said thirteen United States."

It was afterwards discovered that only two millions had been thus received by the United States before the treaty of February, 1778; and, to an application made to Count Vergennes, in 1786, for the purpose of ascertaining when, and to whom, the other million had been paid, an answer was returned that the said million was paid on the 10th day of June, 1776, (a date prior to the arrival of any of the commissioners of the United States in France,) but a copy of the receipt was refused, and the minister did not think proper to disclose the name of the person who had received the money. On a subsequent application, made in 1794, to the French government, the minister of exterior relations gave it as the result of his inquiries that Mr. Beaumarchais was the person to whom the said million had been advanced, and accordingly furnished the minister of the United States with a copy of Mr. Beaumarchais' receipt for that sum, and in the

following words : "*I have received from Monsieur du Vergier, agreeably to the orders, transmitted to him, of Monsieur the Count de Vergennes, dated the 5th current, the sum of one million, for which I will account to my said Sieur the Count de Vergennes. At Paris, this 10th June, 1776. (Signed) Caron de Beaumarchais. Good for one million of livres tournois.*"

No doubt remains that the advance of one million, made by the French government on the 10th June, 1776, for the use of the United States, and the payment of one million on the same day, by order of the minister of foreign affairs, to Mr. Beaumarchais, were but one and the same transaction; for, it appears by the letter of the minister of finance, a copy of which is annexed to the document C, that no other payment was made by the royal treasury to the United States, during the year 1776; and, by the French minister's note D, that Mr. Beaumarchais' receipt, and the settlement of his account, together with the correspondence, above mentioned, with Count de Vergennes, on that subject, were found in the same file of papers (*dossier*) and that that file was entitled "*United States.*" The million being thus identified, and having, by a solemn contract, been declared and acknowledged a gratuitous gift of France to the United States, has been considered as justly chargeable by them to Mr. Beaumarchais, who had received it.

It is urged, in behalf of the claimant, that it is highly improbable that the million should have been advanced on account of the supplies to be furnished by Mr. Beaumarchais. 1st. Because it was, as early as 1778, and has, uniformly, since, been declared by the French government, that they had no concern whatever in his commercial transactions with the United States. 2dly. Because it is now in proof, that the money was advanced for secret services of a political nature.

That argument could not, by the officers of the Treasury, be taken into consideration; because they were bound to require positive proof of the application of the money, in order to credit Mr. Beaumarchais for the expenditure.

But, without wishing to diminish the weight which it may have with Congress, it must be observed, that the declaration of the French government should be taken in its strictly literal sense, and as I understand it, excludes only a supposition that they had any concern in the commercial risks, profits, or losses of Mr. Beaumarchais. That it was not intended to convey the idea that they had not made to him sales or advances, on account of his supplies, may be inferred from the fact, that the artillery, and a considerable part of the military stores, were taken from the king's stores and arsenals. Nor would it be extraordinary that advances made in 1776, in order to enable an individual to furnish warlike supplies to the United States, should have been considered by the French government as an expense for a *secret political service*.

It is further objected, that Mr. Beaumarchais, having fairly accounted to his own government, and to their satisfaction, for the ap-

plication of that million, must be considered as discharged from any accountability to the United States.

It is evident, that, if he was rightfully charged by the United States with that sum, it is to them, and not to the French government, that he is accountable. The solemn declaration, that that million was a gratuitous gift to the United States, seems inconsistent with the supposition that it was not applied as an *aid and subsidy*, but given without their consent and knowledge, to an individual, responsible for its application, not to the government who had received, but to that who gave the subsidy. And that answer, so far as relates to the French government, appears conclusive. The only question which, in the view I have taken of the subject, seems to admit of a doubt, is, whether, as the declaration made in the contract of 1783, between the two governments, is the foundation of the claim of the United States, Mr. Beaumarchais can legally be made responsible for the effect of an instrument, subsequent, by several years, to the delivery of the supplies, to which he was not a party, and of which he does not appear to have had any notice.

Although Mr. Beaumarchais' account was not definitively settled by the Comptroller, till 1805, the Auditor's report was made as early as 1793. The charge of one million is the only point relative to it, which has come under my notice; and the documents herein enclosed contain all the evidence on that subject in this department. His own declarations on that point, may be seen in a memorial, dated Hamburg, 10th April, 1795, written in the French language, and deposited in the Treasury, but which, as it seems to have been rather intended for Congress, is also enclosed. Should the committee think proper to investigate the merits of the original claim, with which I am unacquainted, the invoices, correspondence, and documents, which are voluminous, will be transmitted.

I have the honor to be, very respectfully,

Sir, your obedient servant,

ALBERT GALLATIN.

Hon. JOHN COTTON SMITH,

Chairman of the Committee of Claims.

No. 58.

*Report of the Committee of Claims, made 26th of February, 1807;
read, considered, and resolution agreed to.*

The Committee of Claims, to whom was referred the message from the President of the United States, transmitting a memorial of the French minister, on the subject of the claim of Amelia Eugenie de Beaumarchais, heir and Representative of the late Caron de Beaumarchais,

REPORT:

This claim was presented to Congress at their last session, by the agent of the representative of the late Caron de Beaumarchais, and a report was made thereon by the Committee of Claims, which was not finally acted upon by the House. The documents presented with that report, and the memorial of the French minister, transmitted with the President's message, contain a full statement of all the material facts and principles involved in the consideration of the case. As these papers accompany the present report, your committee do not deem it necessary to detail, particular, the circumstances attending the *charge* of one million of livres, made by the United States, in their account with Caron de Beaumarchais, (which is the foundation of the present application.) The claimants have uniformly contested the correctness of this *charge*, declaring that Mr. Beaumarchais had settled with the French government for the same, conformably to the tenor of his receipt. The substance of this declaration is now confirmed by the French government through their minister, in the following words: "that the million given on the 10th of June, 1776, to M. de Beaumarchais, was employed in a secret service; that an account of it has been rendered to the king, and approved by him, and that it was not given on account of supplies furnished by the said Beaumarchais to the United States." The source from whence this declaration comes, renders it unnecessary to allude to any corroborative circumstances in support of the fact; but, as questions of law may arise, in investigating the case, your committee think the course, most consistent with the principles of justice, to which the United States have always adhered, would be to submit the claim, generally, to the consideration of the Secretary of State, with instructions to report to Congress at their next session; that he might consult the attorney general, upon any questions of law, arising in the course of the investigation, and furnish Congress with any other information that would tend to elucidate the subject. They, therefore, submit the following resolution:

Resolved, That the message of the President of the United States, transmitting a memorial of the French minister, on the subject of the claim of Amelia Eugenie de Beaumarchais, legal representative of the late Caron de Beaumarchais, be referred to the Secretary of State, and that he be directed to report thereon to Congress at their next session.

To the Senate and House of Representatives of the United States.

The government of France having examined into the claim of M. de Beaumarchais, against the United States, and considering it as just and legal, has instructed its minister here to make representations on the subject to the government of the United States. I now lay his memoir thereon before the Legislature, the only authority competent to a final decision on the same.

TH. JEFFERSON.

February 6, 1807.

[TRANSLATION.]

To Mr. Madison, Secretary of State.

SIR: I have the honor to address to you, enclosed, an answer to the objections made by the Secretary of the Treasury, to a complete settlement with the heirs of Mr. Beaumarchais. This answer is annexed to the note which I have had the honor to address to you on this subject.

Accept, sir, a new assurance of
My high consideration.

TURREAU.

Washington, January 14, 1807.

Faithfully translated.

JACOB WAGNER, *Chief Clerk Dpt. of State.*

No. 59.

[TRANSLATION.]

Note of the Minister Plenipotentiary of France, to the Secretary of State.

The undersigned, minister plenipotentiary of his Imperial and Royal Majesty, to His Excellency the President of the United States of America, has the honor to remind the Secretary of State, that, at the beginning of last year, and during the session of Congress, Mr. Chevallé, attorney in fact of the heirs of Mr. de Beaumarchais, took various steps with the Secretary of the Treasury to obtain a liquidation of the debt contracted by the United States with the said Mr. de Beaumarchais.

At the request of the attorney in fact, to whom the Treasury opposed a receipt of Mr. de Beaumarchais, in order to place to the debt of his heirs *a million of livres tournois*, the undersigned addressed, on the 1st of January, 1806, to the Secretary of the Treasury, an official note, which left no doubt of the destination of the million in dispute, the employment of which, *agreeably to the orders of the King*,

was consecrated to a special and secret service, and consequently, which had not, and could not have, any connexion with the transactions, bargains, supplies, and generally with any mercantile operations, which Mr. de Beaumarchais might have been concerned in with the government of the United States of America.

This note, or rather this official declaration of the minister plenipotentiary of France, ought to have removed the only obstacle which was opposed to the entire liquidation with the heirs of Mr. de Beaumarchais, because the justice of their claim is demonstrated to conviction; and they were far from expecting that the Secretary of the Treasury would still retain doubts upon the legitimacy of their credit.

The heirs of Mr. de Beaumarchais now confide their interests to the protection of the French Government, as well as to the justice of the Federal Government; and the undersigned, in declaring to the Secretary of State, that this affair, on being examined in France with the most scrupulous attention, has presented to the judgment of the most enlightened and impartial men nothing but an incontestible conclusion in favor of the heirs of Mr. de Beaumarchais, will add, that it is no longer to Mr. Chevallière, it is no longer to a mere attorney in fact, that the said heirs have recourse, to obtain a justice too long refused, but to the French government itself, which calls with confidence, and through the organ of its minister plenipotentiary, the attention of the Secretary of State to interests no less sacred than the cause which produced them.

When the French government raises its voice in favor of the unfortunate heirs of Mr. de Beaumarchais, the undersigned thinks it useless to recal to view the nature and the importance of the services, which their author rendered to the cause of independence. It would be to turn the mind back towards a period equally glorious for the two nations, but that France, always generous, knows how to forget, because the United States remember it.

After the ministerial declaration respecting the employment of the million, a declaration, which, doubtless, (and as a consequence of those mutual sentiments of respect and confidence which governments ought to have for communications of this nature) would have been sufficient for the Secretary of the Treasury, if his powers had not been so limited, it is the duty of the undersigned, agreeably to the formal and repeated instructions which he has received in this respect, to address himself directly, and in the name of his government, to that of the United States, and to request from the Secretary of State, that at length justice should be done to the claim of the heirs of Mr. de Beaumarchais; a claim which the French government would not have honored with its support, if it were not founded upon the immutable principles of reason and of right.

The undersigned seizes with eagerness this occasion of offering to the Secretary of State the homage of his high consideration.

TURREAU.

Washington, 14th January, 1807.

Faithfully translated.

JACOB WAGNER, Chief Clerk Dep. of State.

[TRANSLATION.]

Claim of Mr. Beaumarchais, to a million, against the United States, as payment for supplies which he furnished them.

OBJECTIONS OF THE TREASURY
OF THE UNITED STATES.

ANSWER.

"It was afterwards discovered that only two millions, out of the three granted as a gratuitous gift, before the treaty of February, 1778, had been thus received by the United States; and to an application made to Count de Vergennes, in 1786, for the purpose of ascertaining when, and to whom, the other million had been paid, an answer was returned that the said million was paid on the 10th day of June, 1776; but a copy of the receipt was refused, and the minister did not think proper to disclose the name of the person who had received the money. On a subsequent application, made to the French government, the minister of foreign relations gave it as the result of his inquiries, that M. de Beaumarchais was the person to whom the said million had been advanced, and accordingly furnished the minister of the United States with a copy of M. de Beaumarchais' receipt for that sum."

"No doubt remains that the advance of one million, made by the French government, on the 10th June, 1776, for the use of the United States, and the payment of one million on the same day, by order of the minister of foreign affairs, to M. Beaumarchais, were but one and the same transaction."

Before answering the objections of the Treasury of the United States, it is of importance correctly to state the question which forms the subject of the present claim; because, by this means, all suppositions foreign to it will be avoided.

Did Mr. Beaumarchais receive from the government of France a million on account of his supplies to the United States? This is the question.

The identity of the date given by M. de Vergennes, and of the receipt of Mr. de Beaumarchais, communicated by Mr. Buchot, has, until now, been the cause of a delay of justice on the part of the Treasury of the United States, to the heirs of Mr. de Beaumarchais, and of the prejudices which the Treasury has conceived against this claim.

In Mr. de Beaumarchais we are to perceive and recognise two characters: one, the secret agent of the French government; and the other, a furnisher of supplies to the United States.

As secret agent of the government of France, he received a million on the 10th June, 1776: in the same year, M. de Vergennes, who had caused it to be given to him, and who had imposed upon him the obligation of rendering an account to himself for it, presented that account to the

king, who approved of it, and gave a discharge to Mr. de Beaumarchais. If M. Buchot, in communicating this receipt, had intimated at the same time, that, in the same file, and annexed to the receipt itself, were the account rendered to the king, and the approbation in the margin signed by the king himself, certainly the treasury would not have pretended a right to charge to the account of supplies by Mr. de Beaumarchais a million for which he had accounted, and from which he had been discharged by the authority which had given it to him.

As a furnisher of supplies to the United States, he did not receive the said million, and, consequently, he is a creditor, and will remain a creditor of the United States, for this sum, until it is paid to him. Among the nine millions given as a free gift by the king, three were stated, by the convention of 1783, as having been before 1778. Of these three, the United States had the use of only two; and it is of that which is wanting, that they require an account from M. de Beaumarchais.

Although the nine millions in question have been formally acknowledged to have been received, by the Convention of 25th February, 1783, signed by the American commissioners, and ratified by Congress, and, although this public act discharges M. de Beaumarchais from all accountability; nevertheless, the government of France, in order to fulfil the claims of justice, as well as the desire of the United States to know what has become of this million, causes its minister plenipotentiary to declare:

1st. That the French government has always remained a stranger to all the mercantile transactions of M. de Beaumarchais, with the United States.

2d. That the million given on the 10th of June, 1776, to the said Sjeur de Beaumarchais, was for a secret political service, of which the king reserved to himself the knowledge.

3d. That the account of the employment of the said million, was presented at the close of 1776, to the king, and approved by him.

4th. That M. de Beaumarchais has been discharged from it by his majesty himself.

5th. And lastly, that the said million was not given on account of his supplies.

This declaration confirms those which have been made on divers occasions by M. de Vergennes and M. Gerard, as well to the American ministers in France, as to Congress, that the French government has remained a stranger to the mercantile operations of M. de Beaumarchais, and that he became a creditor of the United States, at the same time that he became a debtor of the king for the articles which he had permission to take from his arsenals, and which became his own property.

M. de Vergennes, in ordering a refusal to tell to whom the said million was given, and in causing it to be declared, in 1786, that it was inconvenient to tell, proves equally that it was a secret, and that the said million was not given on account of the supplies of M. de Beaumarchais. For, to suppose the contrary, would be to think that this minister wished a million more to be paid by the United States to M. de Beaumar-

chais than was due him. This opinion would shock whomsoever that was acquainted with the probity of M. de Vergennes.

OBJECTION.

"It is urged in behalf of the claimant, that it is now in proof that the money was advanced for secret services of a political nature. That argument could not, by the officers of the Treasury, be taken into consideration, because they were bound to require positive proof of the application of the money, in order to credit M. Beaumarchais for the expenditure."

ANSWER.

When the Treasury debited the account of M. de Beaumarchais with the said million, it had not the declaration of the government of France, that the said million had been employed in a political secret service, and had not been given on account of supplies. Now this circumstance is known, it may balance the account. It can be no more disputed, that the King, who gave the nine millions, had the power of employing one of them towards the views, and to the advantage of the cause which he supported, than his ministers can be required to disclose the object of the service in which it was employed; because, it is a secret which they ought to keep, and which M. de Vergennes declared it inconvenient to communicate even ten years afterwards.

The Secretary of the Treasury is so well persuaded of it, that he says in his report, *it must be observed, that the declaration of the French government should be taken in its strictly literal sense.*

After an opinion thus expressed, and which manifests the respect and attention we owe to the declarations of a government, it is justly believed that he would not have hesitated to strike the balance of M. Beaumarchais' account, without comprising in it the said million, if he had not found himself bound by the premature opinion of his predecessors, and by the limitation of his powers.

OBJECTION.

“Nor would it be extraordinary that advances made in 1776, in order to enable an individual to furnish warlike supplies to the United States, should have been considered by the French government as an expense for a secret political service.”

ANSWER.

Did the government of France keep it as a secret from the United States, that it had given permission to M. Beaumarchais to obtain cannon, muskets, &c. from the magazines of the king? No.

Why, therefore, would it have made a secret of this million, if it had been given for the same articles?

Can it be supposed that the king gave a million to pay himself?

It will not be disputed, that, at the epoch of the treaty of 1778, which united the two powers, there remained no longer any secret about M. de Beaumarchais' having, before this time, furnished cannon, muskets, &c. taken from the magazines of the king. The arms of France, engraved upon these pieces, published the secret.

The convention of 1783 openly avowed, that three millions, gratuitously given by the king, had been given before the treaty of 1778.

Thus, the destination of the million given on the 10th of June, 1776, must be looked upon as very extraordinary, and as a secret, and it cannot, with justice, be debited to M. de Beaumarchais, on account of his supplies.

OBJECTION.

“It is further objected, that M. de Beaumarchais, having fairly accounted to his own government, and to their satisfaction, for the application of that million, must be considered as discharged from any accountability to the United States.”

ANSWER.

Is it correct to say, that an accountability is not due to a third party not named in the deed or obligation?

If this principle cannot be brought into doubt, M. de Beaumarchais, or rather the government of France, says, M. de Beaumarchais has received from me a million, for which he is to

account to me; he has rendered this account to me, I have approved it, and I have given him a discharge.

The transcript of this receipt will demonstrate to conviction the truth as well as the justice of what has been just advanced.

Copy of the Receipt.

"I have received from Mr. du Vergier, agreeably to the orders which have been given to him by the Count de Vergennes, on the 5th current, the sum of a million, of which I will render an account to my said Sieur de Vergennes.

"At Paris, the 10th June, 1776.

CARON DE BEAUMARCHAIS."

From whom did Mr. de Beaumarchais receive a million, according to this receipt?

From M. de Vergennes, by the hands of Mr. du Vergier.

To whom did his own receipt, and the will of him who gave him the million, impose upon him the obligation of accounting?

To Mr. de Vergennes.

Who received this account?

Mr. de Vergennes.

Who approved of the account, and gave M. de Beaumarchais a discharge?

The king himself, who gave the said million, and who ordered the destination of it.

The candor and the justice of the Secretary of the Treasury, equally oppose, after this exposition of the said receipt, the demand of an account of the said million from M. de Beaumarchais; for, if even the account had not been rendered to the government of France, no power, no person (unless he was delegated to its rights by a special power)

could demand it; for M. de Beaumarchais, by his billet, is made a debtor of the government of France; and if it had been otherwise, he might as well have been the debtor of any other power, or of any other person, as of the United States.

If M. de Beaumarchais were paid by the United States, does the Secretary of the Treasury think, that, possessed of his original receipt, he could prosecute him before any court of justice, and hope to recover the amount contained in the said receipt?

If his opinion should be in the affirmative, what risk would the United States run in paying the Beaumarchais family? because they would be certain of recovering what they paid.

To start a doubt, and yet draw from this doubt a conclusion in your favor, is contrary to justice; and by removing the doubt, we remove the consequences.

M. de Beaumarchais by his obligation is accountable only to the government of France. The above observations prove it to a demonstration.

OBJECTION.

“It is evident that, if he was rightfully charged by the United States for that sum, it is to them, and not to the French government, that he is accountable. The solemn declaration that the million was a gratuitous gift to the United States, seems inconsistent with the supposition that it was not applied as an aid and subsidy, but given, without their knowledge to an individual, responsible for its application, not to the go-

ANSWER.

He has rendered this account. The king has approved it, and he has been discharged from it. The million was given for a political secret service. Why would not the Secretary of the Treasury wish to look upon the destination given by the king, to that one of the nine millions which is missing, *as an aid and subsidy*, because this destination, (which is a secret, and will always remain one,) can have no other object

vernment who had received, but to that who gave the subsidy."

than to favor the views and to assure advantages to the United States, and may be denominated *aid and subsidy*.

The present government of France has made all possible research, in order to enlighten its equity and its justice in an affair, which interests a family whose head employed all the fortune which he ought to have left it, to the support of the American cause; and it is after the most intimate conviction that this sum is due to M. de Beaumarchais, that it has charged its minister plenipotentiary to declare anew, *that the million given on the 10th June, 1776, to M. de Beaumarchais, was employed in a secret service; that an account of it has been rendered to the king, and approved by him, and that it was not given on account of supplies furnished by the said Beaumarchais to the United States.*

Washington, January 14, 1807.

Faithfully translated.

TURREAU.

JACOB WAGNER,
Chief Clerk Dep. State.

No. 60.

DEPARTMENT OF STATE,

December 10, 1807.

The Secretary of State, to whom was referred, by the House of Representatives, on the 26th of February last, the message of the President, transmitting a memorial of the French minister, on the subject of the claim of Amelie Eugenie de Beaumarchais, with instructions to report thereon, now reports:

That, having, in pursuance of the report of the Committee of Claims, on which the reference was founded, consulted the Attorney General on the question, whether a sum of one million of livres, received June 10, 1776, by Mr. de Beaumarchais, from the French government, ought to be regarded as a legal payment of so much in behalf of the United States, which question formed the principal diffi-

culty in settling the accounts of Mr. Beaumarchais with the United States, he has received, in answer, the examination and opinion hereto annexed, and which contain the view of the subject which he begs leave to lay before the House.

Respectfully submitted.

JAMES MADISON.

December 7, 1807.

SIR: I have examined, with great care and attention, the papers you submitted to my consideration, concerning the claim of the representative of the late Caron de Beaumarchais. The subject is, in every view, important. Though I commenced the investigation with prepossessions unfavorable to the claim, from the first perusal of the documents the inclination of my mind was against the respectable opinions which have been given on the principal, if not the sole question material to be decided. This circumstance led me to distrust my first impressions. I suspected they must be erroneous, and that they would yield to a more diligent inquiry and more mature deliberation. With this view, I have reconsidered the case, and the result of my reflections confirms me in my original opinion. I shall give it with great deference, because the sentiments I entertain are opposed to those of gentlemen every way well qualified to judge correctly on the subject.

My remarks will be confined to that part of the case which embraces the question relative to the million of livres received on the 10th June, A. D. 1776.

Before we can form a correct judgment of the law applicable to the case, it is necessary first to ascertain the facts. *Ex facto oriture jus*. Very fortunately, in this instance, there is little dispute about the mere facts, though the inferences to be drawn from particular circumstances that exist in the case, afford room for great diversity of opinion.

It appears, satisfactorily, from the documents, and seems indeed to be admitted, that the United States did actually receive to the full value of the million of livres in question, in arms, ammunition, and warlike stores, from the late Mr. Beaumarchais, according to contract. The account between the United States and Beaumarchais, as settled by Mr. Harrison, the Auditor, on the 24th May, 1793, and as revised and corrected by Mr. Duvall, the Comptroller, on the 10th December, 1805, fully confirms this fact. That Beaumarchais originally had a legal claim for the value of these articles must be evident from a perusal of the papers. That this claim must yet exist, unless satisfied or extinguished, is equally clear. On the part of the United States, it is contended that this claim has been paid. When the allegation of payment is opposed to a demand, acknowledged to be otherwise just, the plea should be supported by proof equally strong with the evidence that would have been required to verify the claim. The plea of payment is affirmative, and the burthen rests

with the party who relies on this defence, to make out his case by sufficient testimony. Natural justice would seem to require that degree of proof which would be necessary to establish the right, in an original suit, to recover a sum of equal amount.

The United States, however, do not allege that they paid the money themselves. They do not say that Beaumarchais received this sum from their hands, but that it was paid for them, at a particular period, by the French Government; to speak more correctly, that the Government of France advanced to Beaumarchais, on account of the American Government, a million of livres, as part of a larger sum gratuitously given by the King to the United States. For this sum the United States claim a discount against the representative of Beaumarchais. Whether it be considered in the light of a payment, or of a discount, cannot vary the question, or the degree of proof required.

Let us, to make the case more familiar, suppose a suit to be instituted against the United States, to recover the value of the articles furnished, amounting to one million of livres: the defence relied upon would be either the plea of payment or discount. Let us proceed to examine the testimony that would be adduced to make out the defence.

If the United States should fail in maintaining, by legal proof, the grounds of defence assumed, the claim of Beaumarchais must be established against them: for there is no other objection to it. Unless it has been satisfied in the manner contended, it is a legal and existing claim for a debt contracted during the Revolution.

The contract entered into by Dr. Franklin, with the Count de Vergennes, on the 25th of February, 1783, is relied on to prove that the King of France had, previously to the date of our treaty of the 6th of February, 1778, granted to the United States three millions of livres, as aids and subsidies, under the title of gratuitous assistance from the pure generosity of the King. This paper ascertains the fact, and imports the receipt by the United States. The minister of the French Government declares, and that of the American Government admits, the grant of three millions of livres had actually taken place before the 6th February, 1778. So far as the two Governments are concerned, this instrument would seem conclusive upon them. But it is very questionable how far a contract, to which Beaumarchais was neither a party nor privy, ought to affect his rights or interests. It is, strictly speaking, in relation to him, *res inter alios acta*. The effect of this contract is to shew that the French Government declared they had granted to us, previous to the 6th February, 1778, three millions of livres, and that we acquiesced in their statement without calling on them to explain in what way, either in the shape of aids or subsidies, all the money had been applied. We were then satisfied with their simple assertion, reposing full faith and confidence, I presume, in their declarations, and believing the whole sum had been regularly disbursed for our benefit and advantage.

It was subsequently ascertained, that the banker of the United States, at Paris, had received but *two* of these *three* millions of livres. In the year 1786, application was made to the Count de Vergennes to ascertain at what date, and to whom, the remaining million was paid. It is a remarkable fact, in this case, that the application was not made by the American Government. Doctor Franklin, to prevent his character from being implicated in the transaction, solicited Mr. Le Grand, the banker of the United States, to make the inquiry of the Count de Vergennes. Several letters were accordingly addressed to the proper officer, and laid before the minister, earnestly demanding information on the subject. The answers gave the date on which the money was paid, but, in the last, the Count de Vergennes persisted in his refusal to give up the name of the individual who received it, declaring it would be useless and inconvenient. These circumstances prove the transaction a secret one, and would seem to impress the belief that the application of the money was to remain a profound secret. Why this should be done, unless it had been expended in secret services, it would be difficult to say. The natural inference is, that it was applied in this manner. Whether the undertaking to pay with one hand, in this secret way, the money they had given with the other, instead of permitting the United States to lay it out according to their own discretion, can be fairly considered within the terms of their grant, was originally a question of importance between the two Governments. That, in this particular instance, the French Government assumed the power, I presume appears from the facts adduced. That we acquiesced in it, is equally plain. By the contract, we there had acknowledged the grant, though we knew neither the date nor the person to whom the money was paid.

When the name of the individual was refused, it could not have been intended that our Government should have from him any account of its application: for, without knowing the person who received the money, we could not possibly have an account rendered. It would be difficult, at this period, (1786) to assign any other motive for concealing the name of the individual who received the money, than the one already suggested. It is true that France attempted, in justifying her conduct towards England, to impose the belief that she gave us no assistance prior to her treaty with us. But, as far back as 1783, by the contract with Dr. Franklin, she avowed the fact of having voluntarily granted us large sums before the date of the treaty. Nor did she hesitate to declare that arms, ammunition, and warlike stores, had been furnished from the King's stores.

The concealment of his name is in absolute hostility with every idea that the individual was accountable to the United States, because it effectually defeated that object. These facts and circumstances speak for themselves, and, in my humble opinion, prove that the original destination of the money was directed to a secret purpose.

As far as we have progressed with the facts and documents, there is, I believe, no evidence from which it could be presumed that this million of livres had been received by Beaumarchais on account of

the United States. We might as legally charge it to the account of any other person as Beaumarchais.

It seems, however, on proceeding further, that Dr. Franklin suspected, as this sum had been paid before the arrival of the American commissioners at Paris, that it was probable it had been received by Beaumarchais. In what capacity does not appear.

After the death of de Vergennes, and when France had become a republic, in the year 1794, on the application of our minister, G. Morris, a diligent search was made among the public papers, and at length a receipt was found, which I take the trouble to transcribe:

"I have received from Monsieur Du Vergier, agreeably to the order transmitted to him of Monsieur the Count of Vergennes, dated the 5th current, the sum of one million, for which I will account to my said Sieur Count de Vergennes.

"At Paris, this 10th day of June, 1776.

"CARON DE BEAUMARCHAIS.

"Good for one million of livres tournois."

This is the important piece of testimony in the case. It is on the foundation of this receipt, connected with the declarations contained in the contract of 1783, that the fabric of defence rests.

Let us proceed to examine this receipt agreeably to the general principles of evidence and law. On the face of the instrument itself, it appears that Beaumarchais was to account to de Vergennes, and not to the United States, for the expenditure of the money. This contradicts the idea that he was to be accountable to us for its application. When a written instrument is produced in a court of justice, generally speaking, you cannot travel out of it. It cannot be varied by parol evidence, where there is no doubt as to the import of its terms. In this case, there is neither the *ambiguitas patens* nor the *ambiguitas latens*. The engagement of Beaumarchais is positive, express, and unqualified, to account to de Vergennes, and to him only, for the money received. The United States are no parties to the instrument; there is no stipulation to render them any account of the expenditure. Taking this insulated paper, could we legally charge, in an account against Beaumarchais, this sum as a debit, in order to compel him to shew its application, when the instrument itself shews that, for the application of the money, he was solely responsible to de Vergennes? From de Vergennes the money was received, and to him alone had Beaumarchais engaged to account. It is not easy to conceive upon what principle he ought to be obliged to account twice for the same sum. If, in compliance with the language of his receipt, he satisfied de Vergennes, is it reasonable that he should be compelled to settle his accounts a second time with us? This would make him doubly responsible: for one million received, he must account for two.

I believe the million specified in the receipt to be the same with that which de Vergennes declared was paid on the 10th June, 1776. All the circumstances combined, seem fairly to establish their identity.

An idea had been once entertained that the arms and ammunition, or a part of them, furnished the United States by Beaumarchais, in

consequence of their having been taken from the king's stores, were furnished on account of His Most Christian Majesty. To remove every doubt on this point, our Commissioners, in 1779, applied to de Vergennes for information on the subject. His reply, and the letters of Mr. Gerard to Congress, in the same year, are full and explicit on this point. They state that all the articles were furnished by Beaumarchais on his private account, who had settled with the Artillery Department for them, by giving orders or bills for the value; that it was a transaction wholly commercial, with which the Minister of France had no concern; and that he could only interfere to prevent the United States being pressed for an immediate reimbursement. This explanation excludes the idea that the million of livres in question were intended to be applied to the payment in advance, of the account of Beaumarchais, for arms and supplies furnished by him, under an agreement, dated 22d July, 1776, with Silas Deane, the agent appointed by a secret committee of Congress, or any subsequent contract. The impropriety, also, of supposing that the French government would, on the 10th June, 1776, pay, out of the coffers of the Treasury, a million of livres, that they might, at a subsequent period, be deposited in the military chest, must be obvious. We have already seen that the War Department, however, was not paid in cash, but in bills or drafts, whose days of grace might be extended, and the time of payment thus prolonged, by the French government. Hence the offer of de Vergennes, just stated, to interfere so far as to prevent the American government being pressed for payment by Beaumarchais.

When a proposal was made, as appears by Mr. Gerard's note of January 4, 1779, in order to relieve the United States, that France should pay, on account of Congress, a certain sum of money to Beaumarchais, to whom Congress were indebted, we do not find any allusion to this receipt for one million of livres, received long before. It is reasonable to conclude that some notice would have been taken of it, if it were intended *protanto* a payment on discount against the debt of Beaumarchais.

Admitting, then, the million of livres, specified in the receipt of Beaumarchais, to be the identical sum which de Vergennes asserts, in the contract with Dr. Franklin, was granted among the "aids and subsidies furnished to the Congress of the United States, under the title of gratuitous assistance," and combining these facts, let us inquire into their legal operation and effect. We will first consider them separate and apart from the other testimony in the case, and then view them in connection with the rest of the evidence.

De Vergennes was privy to the receipt, and was a party to the contract. Beaumarchais was a party to the first, but was not privy to the last. In a strictly legal sense, an instrument between third persons, made without Beaumarchais' knowledge, participation, or consent, and a single line of which he could not alter, ought not to affect his rights. For the language of his instrument, he cannot be responsible in any shape. The receipt to de Vergennes declares, and

it may be considered as his own declaration, that the money was to be accounted for to him, and not to the United States. In the contract, the same Minister declares this sum to be among the aids and subsidies granted to the United States. Are these different declarations, from the same lips, reconcileable with each other? They are not, if we compel Beaumarchais to account with the United States: for his stipulation is clear and express to account to de Vergennes. On the other hand, if de Vergennes considered the application of this million to the secret service of America, as one of the most powerful aids that could be given, he might number it in that class. That this construction was legally or politically correct, I will not undertake to say. Suffice it to observe, that, from a view of the various facts, it seems to have been the construction put upon the voluntary grants of the King, by the French government, at that period—a construction acquiesced in by our own government, in the contract of 1783, when we knew neither the date, nor the person to whom the money had been paid.

It is a general principle, that you should reconcile testimony apparently contradictory. This exposition of the facts, as far as we have progressed with them, is calculated to produce such an effect. It renders the various documents consistent with each other, and relieves us from the embarrassment that would otherwise ensue.

When we advert to the official declarations of General Turreau, we find they verify the position that this million of livres was appropriated solely and exclusively to a secret service. The source from whence this testimony is derived, is that alone to which resort could be had for information on the subject. In every court of justice, the best evidence of which the nature of the case admits, is always required. The United States allege that the French government paid this debt for them. That government, through their minister, declares officially that they did not. In the case of individuals, there could not be room for dispute. The just principles of our laws require not impossibilities, *lex non cogit seu impossibilia seu vana*. The French minister officially declares, that, for this million of livres, Beaumarchais accounted with de Vergennes, agreeably to the tenor of his receipt; and that it is their uniform rule to destroy all the vouchers and accounts relative to secret transactions, as soon as they have been duly sanctioned.

Upon the whole, I cannot think the plea of payment or discount can be supported, unless collusion with Beaumarchais be attributed to the French government: an idea inadmissible, and which cannot enter into my view of the case.

Such are the remarks I have to submit in obedience to your request. If they are of any service in performing the task assigned to you by the House of Representatives, I shall feel amply compensated for the time and labor employed in examining the documents.

C. A. RODNEY.

Hon. JAMES MADISON,
Secretary of State.

No. 61.

Report of the Committee of Claims, made 23d March, 1812.

The Committee of Claims, to whom was referred the petition of Amelia Eugenie de Beaumarchais, heir and representative of Caron de Beaumarchais, deceased, by J. A. Chevallie, her attorney, have, according to order, had the same under consideration, and beg leave to submit to the House the following report, which they have taken the liberty to extract from an able and very elaborate report, made in this case, by a former Committee of Claims.

[The report here referred to, is that made on the 10th of March, 1806, and will be found at page 64 of this collection.]

No. 62.

Report of the committee, to whom was referred the petition of Amelie Eugenie de Beaumarchais, heiress and representative of the late Caron de Beaumarchais, by J. A. Chevallie, her attorney; made March 15, 1814.

The committee, to whom was referred the memorial of J. A. Chevallie, attorney to the heiress of the late Caron de Beaumarchais,

REPORT:

That the circumstances under which shipments of goods and advances of money to the United States were made by Mr. de Beaumarchais, during our Revolution, were such as necessarily produced much difficulty in the settlement of his accounts. There was no contract by which the obligations and rights of the two parties were defined: and it appears from many letters of Dr. Franklin and of Arthur Lee, that both those gentlemen considered Mr. de Beaumarchais as supplied with funds by the French Government to encourage the resistance of America, and to give to this political transaction the appearance of a mercantile speculation. Mr. Lee represents Mr. de Beaumarchais, when first introduced to him, as declaring that he was authorized by the French Government to offer two hundred thousand louis' for the use of the revolted colonies. In a letter signed by B. Franklin, Arthur Lee, and Silas Deane, they express the wish that Mr. de Beaumarchais' accounts might be left to them for settlement, "as there was a mixture of public and private concerns which Congress could not so well develop." Letters from Mr. Gerard, a former minister from France to the United States, written in support of the claim of Mr. de Beaumarchais, state, "that only military stores

were advanced to him by the French Government for the use of the United States, which he was to return to the royal arsenals:" and Mr. de Vergennes says, that "for the payment of military stores, the Government" of this country "should not be pressed." In these letters, indeed, (as in those of Mr Turreau since,) all connexion on the part of the French Government with Mr. de Beaumarchais' speculations is denied, and the transaction represented as a mere commercial adventure. Yet it could not have been meant that the government of France did not furnish a part of the cargoes; for this is proved by the statement of Dr. Franklin, of Mr. Gerard, and of Mr. de Vergennes himself. It could not have been meant that the government of France had not some power over the debt which the delivery of these stores produced; for Mr. de Vergennes himself promises that for this our government should not be pressed. It could have been intended only to say, that the French government was to have no profit from the transaction, and this may readily be admitted.

The committee have adverted to this "apparent mixture of public and private concerns," in the subjects of Mr. de Beaumarchais' accounts, for the purpose of explaining that delay in their liquidation, which could not otherwise be reconciled to the habitual fidelity of this government to all its engagements. The principles on which those accounts were finally settled at the Comptroller's office, in 1805, are fully explained and supported by the report of the Committee of Claims, of the 10th March, 1806, which the committee, to which the same business is now referred, beg to be allowed to adopt as a part of this report. The balance, which, under that settlement, appeared due to the estate of Beaumarchais, was paid to the memorialist in ———, 1806. This committee have not minutely examined the charges brought by Mr. de Beaumarchais against the United States, because they have been settled at the Treasury, on principles which the memorialist does not indeed represent himself as approving, but in which he seems disposed to acquiesce. The only question relating to the account, which it appears necessary to bring distinctly to the view of the House, refers to a million of livres, which, at the Treasury, have been considered as paid in 1776, by the French government, to Mr. de Beaumarchais, for the service of the United States, and for which credit has been accordingly taken. This question is so fully explained, and, in the opinion of the committee, so justly decided, in the letter of the former Secretary of the Treasury, (Mr. Gallatin,) included in the report before referred to, that they will add a very few observations to the perspicuous statement which it contains. If the opinion, expressed in that letter, be correct, the just claim of the heiress of Caron de Beaumarchais has been fully satisfied.

With respect to the claim of the United States to this credit of a million, (which is denied by the memorialist,) the committee submit to the House that it must be supposed, either—

1. That this million was paid to Mr. de Beaumarchais, for the use of the United States, to which he was bound to account for its expenditure; or,

2. That this million was not paid to Mr. Beaumarchais for the use of the United States; or,

3. That, if it were paid for the use of the United States, it was expended on "objects of secret political service," connected with the interests of the United States, but different from the supplies which are charged in Mr. Beaumarchais' accounts; that it was satisfactorily accounted for to the French government; and, that it was to that government only that he was bound to account.

1. On the first supposition, there can exist no claim on the part of the estate of Mr. de Beaumarchais against the United States; and it is, therefore, only necessary to examine the others. It may be supposed,

2. That this million was not paid to Mr. de Beaumarchais for the use of the United States. This supposition is contradicted by the evidence of facts, and by the declaration of the French government in 1794, as is shewn in the letter of Mr. Gallatin, before referred to. But, if it be admitted, the obligation of the United States to pay this million now will not be implied. It will be recollected, that, by the contract of February 25, 1783, three millions of livres, advanced by France, before the treaty of 1778, as well as six millions afterwards granted, were declared to be a gratuitous assistance. If there were not a million paid to Mr. de Beaumarchais, for the use of the United States, the million advanced in 1777, by the Farmers General, (which was entered in our foreign account under the title of subsidies) must be considered as having been a gratuitous aid, and should have been deducted from the amount which France claimed to be due by America. In a letter from the Comptroller of the Treasury, to Mr. Bournonville, dated February, 8, 1794, he refuses to admit to the credit of France the balance due to the Farmers General, until it should be shown that the million received from them formed no part of the gratuitous aid specified in the contract of 1783. The French government, by the receipt of Mr. de Beaumarchais, and by the opinion which it expressed, satisfied the Comptroller that the deduction of the million was to be made from Mr. de Beaumarchais' account, and not from its own. If the French government were mistaken in this opinion, it follows that we overpaid it in 1794, by an amount equal to that, which, by its mistake, was withheld from Mr. de Beaumarchais. But the evidence which should ascertain the real creditor could only have been obtained from France. The acknowledged debtors, as we at that time were, of the French government, as well as of Mr. de Beaumarchais, we had no interest in making this deduction rather from the one debt than the other; and, if France, in deciding a question in which her government and one of its subjects were alone interested, and of the evidence of which her government was the only depository, have erroneously decided, it is not against the government of the United States that complaints can properly be directed. It may be supposed,

3. That, if the million in question were paid to Mr. de Beaumarchais, for the use of the United States, it was expended on objects of

a political nature, connected, indeed, with the interests of the American government, but different from the supplies which are charged in Mr. de Beaumarchais' accounts; that it was satisfactorily accounted for to the French government, and that to it only he was bound to account. It appears to the committee, that these suppositions cannot be admitted. The French government advanced money to Mr. de Beaumarchais, to be employed for our service. Mr. de Beaumarchais purchased articles most essential to our service, and sent them to this country; shall we *presume* that this advance has been invested in these articles, or been used in some other way for our benefit, of which no evidence appears? A receipt is indeed produced, shewing that the French minister was satisfied with the application of a million "to an object of secret political service;" but this by no means contradicts the opinion, that it may have been employed for the purchase of the articles which Mr. de Beaumarchais sent to America; and that, therefore, it ought to be deducted from his account.

But, besides other difficulties, are we to presume that Dr. Franklin, who negotiated this contract of 1783, would not have been informed that the gratuitous aid which he was called upon formally to acknowledge, was made so mysteriously that neither he nor his government were to know the objects to which it was applied, nor the services which it accomplished?

The objection, however, to a reversal of the judgment of the Comptroller of the Treasury, appears to the committee not to result alone from an examination of the case which he has decided. The government of the United States, in constituting a department by which all claims upon it are to be impartially examined, and in consigning the direction of this department to men of judgment and integrity, has adopted the only method of securing justice to its creditors which the institutions of any society can provide. Mr. de Beaumarchais was himself anxious that the question, in which he was interested, should be decided by arbitration. Mr. Chevallie (the attorney of the heir-ess,) would wish that it should be referred to judicial decision. But neither arbitrators nor judges could be more impartial than the officers of the government, who have no interest to induce a wrong decision, and whose reputation, in some degree, must depend upon their making a right one. If the rules of a court of law be different, they cannot be supposed to be more liberal, or, in general, more satisfactory, to a foreign claimant, than those adopted by the Treasury, in the settlement of their accounts. But, if the officers of the Treasury have erred in their decision, shall not Congress correct the error? The committee believe that, in this case, they have not erred; and the voluminous documents, which the reference of this question has obliged them to examine, were not necessary to convince them that want of time must, of itself, disqualify the legislature for the task of re-judging the sentences of its officers of finance.

The committee submit the following resolution:

Resolved, That the memorialist have leave to withdraw his memorial.

No. 63.

OFFICE OF THE ATTORNEY GENERAL OF THE U. S.

Washington, February 28, 1812.

SIR : I have considered the subject of the letter which you did me the honor to address to me, on the 9th of last month, in the case of the representative of Mons. de Beaumarchais, and am of opinion that the documents do not, in point of law, maintain the discount of a million of livres, to which your letter alludes.

The demand of Monsieur de Beaumarchais appears to be admitted: upon what principles (whether of strict law, or of liberal equity; whether upon reasonable probability, or upon regular proof,) I do not know, and have not been called upon to inquire.

If the demand has been admitted, without rigorous proof, it is for Congress to determine how far it may be proper to measure a discount claimed by the government by a standard purely legal. But, viewing the question referred to me as I have been desired to view it, as a mere matter of law, I am compelled to say, that the title to the deduction insisted upon must be shewn by the United States; and that the evidence would not be sufficient to establish it in a court of justice.

If the reasons of this opinion should be thought necessary, I shall take great pleasure in stating them to the committee.

I have the honor to be, with great consideration, sir,

Your most obedient humble servant,

WILLIAM PINKNEY.

To the Chairman of the Committee of Claims.

No. 64.

Report of the Select Committee to which was referred the message from the President of the United States, at the present session. in relation to the claim of the representative of the late Caron de Beaumarchais, and containing sundry letters and documents upon the subject of the said claim; together with a report of the Committee of Claims, of the 10th March, 1806, and a report of a select committee of the 15th March, 1814, upon the same claim.

[MADE FEBRUARY 24, 1818.]

The Committee to whom was referred the President's message, in relation to the heirs of Caron de Beaumarchais, beg leave to

REPORT:

That, on the settlement of the account of the late Caron de Beaumarchais with the United States, he was charged with one million of livres, received by him from the French government, on the 10th

June, 1776, and for which, as was alleged by the accounting officers of the Treasury Department, he had never accounted to ours. The receipt of this sum is admitted, but it has uniformly been denied by Mr. de Beaumarchais that it was received under any accountability to the United States, but solely to the French government, from whom he received it, to whom he did account, and by whom he was discharged. Before the treaty of 1778, the King of France had furnished, for the use of the United States, three millions of livres—two millions paid to our banker in Paris, in four equal instalments, in January, April, July, and October, 1777; and one million paid to Mr. de Beaumarchais, 10th June, 1776. These were all the pecuniary supplies which preceded the treaty. During the years 1776 and 1777, Mr. Beaumarchais had furnished to the United States supplies of arms and military stores, and goods, amounting, with charges, to near five millions of livres. They consisted of eight cargoes, shipped from France, and received at the following places: four at Portsmouth, New Hampshire, two at Martinique, by Mr. Bingham, and two at Cape Francois, by Mr. Carobasse. From the latter ports they were shipped to the United States. Most of the arms and military stores were taken from the King's arsenals in different fortresses; other articles were purchased by Mr. Beaumarchais from individuals; and all were charged by him, in his account, to the United States. The accounts were mostly examined and certified by Mr. Silas Deane, who had, by an appointment from the secret committee, repaired to Europe, in 1776, to purchase goods for the Indians, and arms and other supplies for our troops. The receipt and the amount of these supplies was never questioned; but there were various opinions about the source from which they were furnished. By some, they were said to have been furnished by the King of France gratuitously, and to have been sent to us through the agency of Beaumarchais, to give the appearance of an individual and commercial transaction; by others, that they were really furnished by the latter, on his own account; that he was charged and held accountable to the French Government for the articles taken from the public stores, and thus became a debtor to France, and a creditor to the United States, and purchased the other articles on his own credit and resources. This question seems not to have been settled until in the year 1779, when, after a formal application to the French Government, and a very tedious examination of the transactions, accounts, and correspondence, of our public agents, Congress, by various resolutions, admitted that the supplies were not furnished by the Government, but that they were indebted to Mr. Beaumarchais for them. Since that time, there has been no act or resolution of Congress questioning the source of these supplies; and, although many years elapsed before the accounts were finally settled, the question of liability, in the first instance, seems to have been at rest. Though the account has been very differently stated, at different times, by the public officers appointed to settle it, yet all have concurred in giving Mr. Beaumarchais credit for the supplies furnished. In 1785, Mr. Thomas Barclay was appointed a special commissioner,

to proceed to Europe, to settle this and our other public accounts in France. After a very laborious examination, he stated and settled the account of Mr. Beaumarchais, and reported the United States in debt to him upwards of fifteen hundred thousand livres, not including any interest. This settlement, it seems, was not satisfactory, and the accounts were referred to the Treasury Board, who, in 1788, reported a balance due by Beaumarchais of more than seventeen hundred thousand livres. It was discovered that very great errors had crept into this latter account, and it was revised in 1791 and 1793, and finally settled in 1805, on the principles detailed by the Auditor and Comptroller in their reports. The committee do not deem it necessary to go into an examination of this or any of the other statements of this account, or to notice any of the items except the one million received from the King, in June, 1776, which was conditionally placed to the debit of Mr. Beaumarchais, by the Board of the Treasury, in 1788, and finally ordered to be charged to him in the final settlement in 1805. The committee, considering the question of original indebtedness as settled by the various resolutions of Congress, and the settlement of the accounts by the authorized officers of the Government, find but one question presented for their consideration:

Whether this million was justly chargeable to Mr. Beaumarchais, as a payment on account, or as an offset to a debt otherwise admitted to be due?

The application of this million does not seem to have been known to any of our agents in France during the Revolution; and though Dr. Franklin, in the contract of 1783, acknowledges the receipt of it, yet no account was demanded of its expenditure until in 1786, when there was much said about the lost million, and a formal demand made of the French court in relation to it, when it was declared by the Count de Vergennes, then, and in 1776, minister for foreign affairs, that it was paid by the King's order, on the 10th June, 1776, for a secret political purpose, of which the King reserved to himself the exclusive cognizance. All further explanation was refused, and none other has ever been given. It was then supposed to have been received by Beaumarchais, and his account was conditionally charged with it in 1788. The application of this sum was thenceforth considered as a mystery of the cabinet, and was not further inquired into until in 1794, when, on the application of Mr. Morris, then our Minister in France, the original receipt of Mr. Beaumarchais was procured, it being for one million of livres, received by him on the 10th June, 1776, for which he was to account to Mr. De Vergennes. It was on the faith of this receipt, that this sum was finally charged in the account of Mr. Beaumarchais. At this time, it does not appear that any other of the secret papers of the French court, in relation to this transaction, were examined. But, in 1806, that Government declares, that they had examined the archives, and had discovered conclusive evidence that Beaumarchais had accounted to the King for this sum; that it had been disbursed for a secret political purpose, and not for the purchase of supplies for the United States. The present Government

has renewed, in a more explicit manner, these declarations, and furnished a document which seems to the committee to be entitled to full credence, by which it satisfactorily appears that this million had been, before December, 1776, applied to the purposes intended by the King, who approved of it in the manner in which he usually signified his approbation.* The committee are of opinion that Mr. Beaumarchais thus became discharged from all further accountability to the government from whom he received the money, and to whose minister, by the tenor of his receipt, he engaged to render an account. The tenor of this receipt creates no accountability to the United States; which can only arise by its satisfactorily appearing, that the secret political purpose, for which the money was advanced, was the purchase of these supplies for them; of this the committee have discovered no evidence. It was well known to our agents in France, that the supplies of a military nature were procured from the king's stores; it was so stated on the face of the accounts; they bore the king's mark. This was well known to Congress, and was never attempted to be concealed. It therefore could not have been necessary, to ascertain this fact, to make a formal demand of the French court; this could not have been the mystery of the cabinet and the important state secret which the king refused to disclose, even on the formal application of the United States; in 1786 there could exist no possible motive for concealing the supply of arms more than of money, for it was disclosed to the world by the treaty and the contract of 1783. But there might be very cogent reasons for concealing forever the knowledge of the application of money for secret political purposes, as it might involve the safety of individuals, and the reputation of their families. As the advance was gratuitous, and the insertion of it in the contract made, not for the purpose of creating a charge, but merely as an evidence of friendship, it might, as the committee conceive, very properly have been alleged by the French government, who made the present, that ours ought to be satisfied with any application which the donor might choose to make. If this million was not applied for our benefit, we lost nothing, because we paid nothing. If the donor declared it was for our use, it was all we had a right to ask; if he was mistaken in his application of it, and we derived no benefit from it, the King could derive none; and, at the most, it was a mistake in judgment. This surely could not make that government accountable to ours for this sum, and, whether disbursed by the king, his ministers, or his or their agents, would not vary the question, as they must be accountable to those, and to those only, from whom it was received, unless the tenor of the receipt imported an accountability to others. A donor has an undoubted right to direct the application of his bounties. This money was set apart by the orders of the King, in May, 1776, for an object of which he reserved to himself the exclusive knowledge. It was paid in June, to Beaumarchais.

The United States had then no agent in France. The money was

* Document 3.

applied, the account rendered, approved, and closed, in the same year. The accountability of Mr. Beaumarchais had then ceased as to the French government. He had complied with the condition of his receipt. He did not know the United States in the transaction, for the money was not put into his hands for their general use or account; but for a special and definite object, which the King thought would result beneficially to them. If he had refused to account to the King, alleging his accountability to the United States, he would not have complied with the terms of his receipt; and, at all events, it is to be presumed that the King would not have admitted it as a compliance. Had Beaumarchais dared to disclose a state secret which the King had forbade his minister to publish, it is not to be doubted that the disclosure would have cost the liberty, if not the life, of Beaumarchais. It was his duty, as the subject, and a secret agent, of the King, to keep the secret; and it could not have been expected that he would or dare betray such a trust. The payment of this million to Beaumarchais was not even suspected, until in 1786: for, until that time, it had been considered as the million advanced by the Farmers General. This was ten years after he had rendered his account to the King. The discovery of this fact could not transfer the accountability of Beaumarchais to our government, without the consent of the French, and divest the latter of its control over its subjects or agents. It could create no new liability, or revive one which had been discharged ten years before by the parties concerned. The receipt of the money made him a debtor to the King, until he accounted for it; when the account was received and approved, he ceased to be a debtor. He did not know, and could not be accountable, for any arrangements between the two governments; he was no party to the contract of 1783, and it could not affect him; it could not make him accountable to both, and no circumstances could make it his duty to disclose to the United States the application of this money, in violation of the orders of his sovereign. It is certainly dealing harshly with him, to charge him in his account with this million, because he would not account to us for the manner in which he had applied it. The dilemma is a cruel one. The refusal to disclose, costs him his fortune; a disclosure may cost him his life. It was a rigorous mode of extorting from the necessities of Beaumarchais a secret which could not be obtained from the government. Had the contract of 1783 recited the gratuitous advance of only two millions for the use of the United States, there could have been no question about this million. In consequence of this, Mr. Beaumarchais is held accountable for this million, because it appears by his receipts to have passed through his hands. If this recital is sufficient evidence to create a liability, and we attach this weight to this declaration of the French government in our favor, may not Mr. Beaumarchais attach the same weight to their uniform declarations, that he had accounted to them for this sum; that it was not applied in the purchase of supplies, and that we are not entitled to a credit for it in our account with him? It is admitted that there is no evidence that this money

was applied to the purchase of supplies, but what has been furnished by the French government: it is then but fair and consistent with the principles of justice, that all their declarations on the same subject should be taken together, and considered as one; they are all consistent, and it is believed that all the difficulty in the settlement of this account has been in giving credence to that one which gives a color for charging the million to Beaumarchais, and giving none to those which declare the charge an improper one. The committee have devoted much time, and made a laborious examination of the merits of this case; they have been able to discover no reason why the uniform declarations of the French government should not be credited; there is no fact to contradict them; there is no evidence that this million was applied in the purchase of the supplies charged by Beaumarchais to the United States. If the French government now or at any time claimed repayment of the three million of gratuities; if there were any facts clearly proved, contradicting their assertions; then we might properly exact a strict accountability from their agents, and be justified in so far departing from the respect due to a friendly government as to contradict its solemn asseverations. But the committee do not think this should be done to a government, which, in trying times, evinced its friendship to ours; when the sum in question was a present and not a charge; and when, after an investigation of near forty years, no evidence has been found to oppugn their declarations. It is not to be supposed that the French government would advance this sum to Mr. Beaumarchais to purchase supplies from itself, or that he would, in less than six weeks after the receipt of this money, and under their eye, make a contract with Mr. Deane for payment by the United States, and thus be permitted to deceive one government and defraud another. Indeed, the accounting officers of the Treasury do not allege that the charge was made against Beaumarchais on any evidence of the misapplication of the million by him, or of the falsity of the declarations of the French government, or collusion between them and Beaumarchais; but on the ground of his accountability to the United States, and not to the king. The committee do not think that this conclusion is justified by the evidence before them, and can discern no reason, founded on any legal or equitable principles, in support of this charge; and are unanimously of opinion that the million in question has been improperly passed to the credit of the United States.

The committee would have felt that their duty would have ended with the expression of their opinion on this part of the case submitted to them, had it been one of a common cast. If any debt is due to Mr. Beaumarchais, it is a very large one. It was contracted more than forty years ago, and under circumstances which make its payment an imperious duty. The claim has been made, and persisted in, by every possible means, since 1777. No act of limitation has attached to it, and it has been made the subject of the especial and repeated interposition of the French government; and it is equally due to them and ours that it should be fully investigated and finally settled.

In a common case, it would be deemed sufficient evidence of the validity of a claim on a government, that its agents, accounting officers, and legislature, had uniformly admitted its justice; had promised payment, when it was unable to do more, and have made remittances when it was able; that the account had been closed for twenty-five years, except as to one item, which two executive magistrates, and two attorneys general, had decided was not sustainable as a credit. Yet, as this subject has been heretofore referred to committees, who have reported unfavorably to the heirs of Mr. Beaumarchais, and whose opinions are entitled to the highest respect, the committee have felt it their duty to inquire, not only into the propriety of the charge of the one million, but for the source of the supplies, which form the charge against the United States, and to ascertain whether any were furnished gratuitously by the government of France, or purchased by Mr. Beaumarchais, on his own credit, and from his own resources. The committee have examined every document submitted or accessible, and are fully of opinion that they are properly chargeable to the United States. It has never been denied that they were furnished by him, that he procured and shipped them, and that payment must be made to him, if the government of France did not employ him as their agent, and intend these supplies as gratuitous aids; for they never were attributed to any other than the two sources.

The government of France never pretended that they had furnished more than three millions before the treaty of February, 1778, and this was in money. These supplies amounted to more than four millions, and if they were gratuitous, then the government must have furnished seven millions before the treaty. It is not credible, that Dr. Franklin and the Count de Vergennes, in the contract of 1783, should have committed so great a mistake as the omission of four millions. There was then no motive for concealing supplies of arms more than of money; and as these gratuitous aids were inserted in the contract merely to remind us of our obligations, it is to be presumed, that their extent would not have been unknown or unacknowledged. The French government have uniformly declared, that they furnished no supplies of arms or military stores; have disclaimed all connection with the commercial transactions of Mr. Beaumarchais; that the United States must pay him; that the King furnished nothing, but simply permitted him to provide himself from the arsenals, on condition of replacing the articles he took; and that the king never intended to make a present of any of the military stores taken from his arsenals; that they were furnished by Beaumarchais in the way of trade, and that, by furnishing them, he became a debtor to France and a creditor to the United States. These declarations have been the same from the year 1778 to the present time. In January, 1779, Congress, by a solemn and unanimous resolution,* declared that these supplies were not a present from the king, and that he did not

* 5 Journal, 15, 19.

preface his alliance with any supplies sent to America. In the same month,* they order a remittance of three thousand hogsheads of tobacco to Beaumarchais, in part of payment of his debt, and recognize as valid a contract made with his agent in April, 1778.† The President, Mr. Jay, was directed to write him a letter, acknowledging the debt, promising payment, and assuring him that he will receive the merited applause of a new world.

The committee are not aware that there can be stronger evidence, as to the source of these supplies, than the concurring declarations of both governments, simultaneously made, and uniformly persisted in. Peculiar force will be found due to them, when a recurrence is had to some facts, which show the situation of Congress at that time, and afford a history of this transaction, in relation to the accounts of Beaumarchais.

In January, 1776,‡ Congress resolved that a quantity of arms and other stores should be imported for the use of the United States, and forty thousand pounds worth of goods for the Indians. The secret committee§ were directed to pursue the most effectual measures for procuring them. They appointed Mr. Silas Deane for this purpose, and he repaired to Europe. He arrived at Bordeaux 6th June, 1776; the exact time of his arrival in Paris is not known, but in July, after various letters had passed between him and Mr. Beaumarchais, an agreement was made for the supply of the articles required, not by a formal contract, but by the letters referred to.§ The prices were not definitively settled, but it was agreed that the United States, at their option, should pay for the articles, their current value when delivered in America, or their cost in France with the addition of transportation to the seaports, freight, commission, and insurance. A separate contract¶ was sometime afterwards made for freight, between Mr. Monthieu, Deane, and Beaumarchais, which was reduced to writing. In pursuance of this agreement, the articles were furnished, and received in the United States. It was not then supposed that these supplies were gratuitous aids from the king, for, in November, 1776, Mr. Deane writes** to the committee, that the United States were largely indebted to Beaumarchais for them, and presses for remittances to be made to him. In August, 1777,†† Congress ordered that the correspondence between the secret committee and Mr. Deane be laid before them; and, in September and October of that year, remittances of tobacco were received by Mr. Beaumarchais on account. In that year he sent Mr. Francis, his agent, to the United States, in order to receive payment of his account. In March, 1778,‡‡

* 5 Journal, 9, 10.

† 5 Journal, 19.

‡ 2 Journal, 8.

§ 2 Journal, 41.

§ Documents No. 12, 14, 15, 16.

¶ Document No. 21.

** Document No. 20.

†† 3 Journal, 249.

‡‡ 4 Journal, 122, 3.

Congress paid him twenty thousand dollars; and, in April following, by a committee, made a contract, stipulating for payment of principal and interest, for what had been then furnished, and for the supply of twenty-four millions of livres.* If the contract was ratified by Mr. Beaumarchais and our commissioners in France, this was not done, and that sum was not furnished. In the latter part of 1776, Dr. Franklin, Silas Deane, and Arthur Lee, were appointed joint commissioners at the Court of France. They did not long act in harmony, and dissensions arose among them, which Congress† resolved were highly injurious to the honor and interest of the United States. Dr. Franklin and Mr. Deane appear to have been on friendly terms, but both otherwise as to Mr. Lee. Mutual complaints seem to have been made. Mr. Deane was recalled in November, 1777,‡ and, in December, ordered home, and to attend Congress with all convenient despatch, in order to give an account of our affairs in Europe.¶ He returned from France 11th July, 1778, and appeared before Congress on the 15th August, when he was ordered to give a detailed account of his proceedings,§ and especially of his transactions with Beaumarchais. This was the more necessary, as, on the 2d May preceding, a letter had been received from Mr. Lee, dated in October preceding, in which he stated that the supplies for which Beaumarchais charged the United States,¶ were gratuitously furnished by the king, and that the agreement for furnishing them had been made in London, in April, 1776, between Mr. Lee and Beaumarchais, who assumed the name of Hortales & Co. Congress** having made a contract in April, by which they had assumed payment for those supplies, it became all important to ascertain their source. They wrote to our ministers in Paris, enclosing a copy of the contract made with Mr. De Francis, and instructed them to call on the French court, to know whether they had furnished any, and what, supplies. A letter was addressed the Count De Vergennes;†† he informed them that the king had furnished nothing,‡‡ and Mr. Gerard, the minister here, was ordered to make the same assurances to Congress, which he did. In the mean time the inquiry proceeded before that body. All the correspondence of our foreign agents were laid before them.¶¶ Mr. Deane was examined in person; he was so ordered, and presented a statement in writing. In September a committee made a report§§ on the letters of Mr. Lee and Dr. Franklin. In December Mr. Deane was again heard, and presented a long detail in writing. In Janua-

* Document No. 34.

† 5 Journal, 125.

‡ 3 Journal, 411.

§ 3 Journal, 439.

§ 4 Journal, 339, 41.

¶ Document No. 5.

** Documents Nos. 17, 6, 31, 41.

†† Document No. 36.

‡‡ Document No. 37.

¶¶ 4 Journal, 291.

§§ 4 Journal, 395.

ry, Congress passed the resolutions, and directed the letter before noticed to be written. In April, 1779, the committee reported on the conduct of our commissioners in France, and the accounts of Mr. Deane were ordered to be settled by a committee; this was never done. In August* Mr. Deane was discharged from further attendance, and ten thousand five hundred dollars were ordered to be paid to him for his expenses in attending on Congress. During this investigation, of more than twelve months, the inquiry was not confined to the conduct and accounts of Mr. Deane; the accounts of Beaumarchais necessarily formed an important part of the matters they acted on. Congress must have been fully informed in relation to them, and therefore possessed better means of judging correctly than possibly could have existed at any subsequent time. The transactions were then recent, the witnesses were alive, and all the papers tending to elucidate the transactions were fully considered. Under such circumstances the resolutions of January, 1779, ought to have conclusive force, more especially when, in June following, Congress† agreed to a report of a committee appointed to settle the accounts of Beaumarchais, in which they state, but do not settle his account; acknowledge the United States to be largely indebted to him, order bills of exchange to be drawn in his favor for two millions four hundred thousand livres, and direct all the tobacco which the United States then had to be paid to him. The committee cannot feel themselves justified in considering the account as open for discussion, after all these solemn recognitions of its justice. It is worthy of remark, that all the evidence which is now to be procured was then fully considered: nothing new has been discovered. The former examinations were minute, and the result was satisfactory. The bills were paid to Beaumarchais, and various remittances were made to him in 1777, 78, 79, 81, and 1783. The debt was never questioned, but its amount could not be ascertained here. It was, in 1788, ordered by Congress‡ to be settled in Europe; and it was settled by Mr. Barclay, the special agent of the United States for that purpose.

Before the committee would feel themselves authorized to reject a claim thus sanctioned, they would feel it indispensable that the most clear and explicit proof should be produced; such, indeed, as would not leave remaining a reasonable doubt. A due respect for the old Congress of 1778, 9, to public credit, and the often plighted faith of the government, would seem to make this a duty imperious, not only on the committee, but on Congress. Such evidence has been sought for in vain, and, it is believed, does not exist. The committee have attentively examined the correspondence of our commissioners in Europe, and can discern in that no evidence that the supplies were furnished by the French court. If, indeed, the statement of one of them was alone to be believed, there might have been reason to doubt on the subject; and it certainly afforded fair grounds for inquiry, when the

* 5 Journal, 234, 235.

† 5 Journal, 183, 4.

‡ 8 Journal, 13, 16.

statement was received, in 1788; but the committee do not know any reason why greater credit should now be given than it seemed entitled to then. It was, at most, but the declaration of an agent, and the principal has disavowed it, and admitted a liability which the agent denied. It is thought not consistent with good faith for this government to rely solely on the declarations of one of its agents, when it happens to be in their favor, and to disregard the assertions of others when they operate against it. If our agents in Europe dispute about the source of these supplies, the solemn and repeated declarations of both governments would seem sufficient to turn the scale. If our government denied its liability, it might not be deemed so important, as it was interested in proving the supplies to be gratuitous; but, when it admits its liability, and that too when it was so extremely hard pressed for money as in the year 1779, it ought to be conclusive. It is not now a sufficient allegation to reject and disprove the justice of this debt, to say that one of our agents, in 1777 and 1778, declared that the supplies were gratuitous; that at sometimes another doubted, and at other times admitted, the justice of the claim. If the United States had ever paid for these supplies, and were now repelling an attempt to exact payment a second time, there would be more reason for taking advantage of slight circumstances. But the present is a far different case; we admit the receipt of the supplies; they were of infinite importance; payment has never been made by the United States, and is now resisted on no other ground than that they were intended as presents. Such intention is solemnly contradicted, and no proof offered that it existed. Congress has already repeatedly decided on the statements produced, and the committee think that their decision cannot be disturbed consistently with good faith. They fully agree with our great Revolutionary financier,* "that, if any thing is due Mr. Beaumarchais, the reputation of the country will be compromised until it is paid; that the payment of debts may be expensive; but that it is infinitely more expensive to withhold the payment. The former is an expense of money, when money may be commanded to defray it; but the latter involves the destruction of that source from which money can be derived when all other sources fail. That source, abundant, nay almost inexhaustible, is public credit. The country in which it may with the greatest ease be established and preserved is America; and America is the country which most stands in need of it." In conclusion, the committee will remark, that, in every point in which the case can be viewed by them, they are fully of opinion that the heirs of Mr. Beaumarchais are creditors of the United States, and beg leave to report a bill for their relief.

* Robert Morris.

Message from the President of the United States, transmitting sundry documents in relation to the claim of the representatives of Caron de Beaumarchais; January 16, 1818.

TO THE SENATE AND HOUSE OF REPRESENTATIVES:

The claim of the representatives of the late Caron de Beaumarchais, having been recommended to the favorable consideration of the legislature, by my predecessor, in his message to Congress, of the 31st of January last; and concurring in the sentiments therein expressed, I now transmit copies of a new representation relative to it, received by the Secretary of State from the minister of France, and of correspondence on the subject, between the minister of the United States, at Paris, and the Duke of Richelieu, enclosed with that representation.

JAMES MONROE.

Washington, January 12, 1818.

*To the Senate and House of Representatives
of the United States:*

The Envoy Extraordinary and Minister Plenipotentiary of his most Christian Majesty, having renewed, under special instructions from his government, the claim of the representative of Caron de Beaumarchais, for one million of livres, which were debited to him in the settlement of his accounts with the United States, I lay before Congress copies of the memoir on that subject, addressed by the said Envoy to the Secretary of State.

Considering that the sum of which the million of livres in question made a part, was a gratuitous grant from the French government to the United States, and the declaration of that government, that that part of the grant was put in the hands of Mr. de Beaumarchais as its agent, not as the agent of the United States, and was duly accounted for by him to the French Government; considering, also, the concurring opinions of two Attorneys General of the United States, that the said debit was not legally sustainable in behalf of the United States, I recommend the case to the favorable attention of the legislature, whose authority alone can finally decide on it.

JAMES MADISON.

January 31, 1817.

[TRANSLATION.]

M. Hyde de Neuville, Envoy Extraordinary and Minister Plenipotentiary of H. M. C. M. to the Secretary of State.

WASHINGTON, December 6, 1817.

SIR: The President of the United States was pleased, last year, to recommend to the Congress, by a special message, and in the most particular manner, the claim of the heirs of Beaumarchais, relative to the settlement of an account for supplies furnished at an early period of the war of independence.

This message was referred to a committee, and in that state the affair rested. The shortness of the session was, probably, the only cause why it did so.

Since that period, his most Christian Majesty's Minister of Foreign Affairs has again recommended to me this claim of the heirs of Beaumarchais, and communicated the correspondence which took place on this subject at Paris, between his Majesty's Minister and Mr. Gallatin, Minister of the United States; a copy of which I have the honor to enclose you.

Mr. Gallatin, after repeating, in his letter to the Minister, the objections which had been at first started, as to the employment of the million in question, gives it to be understood, that he can say, that a simple, but explicit, declaration, by the French government, "that the said million was not applied to the purchase of the supplies furnished by M. de Beaumarchais, to the United States," would have removed all the doubts expressed by the public officer at the head of the Treasury, when these accounts were exhibited there.

His Majesty's Minister, after a new investigation of the facts, positively renews, in his answer, the declaration, "that the million paid on the 10th of June, was not applied to the purchase of the shipments made to the United States at that period by M. de Beaumarchais." As these two papers complete, in some sort, the body of information requisite for a due examination of this affair, I request, sir, you would be pleased to lay them before the President. They preclude the necessity of my adding any thing further, either to the notes which have been successively presented, or to mine of the 22d of January last, on this subject.

It may be, that the President will judge fit to transmit these documents to the Congress, with a new message, to be annexed to those formerly sent, if, after the explanations which have been given, there can remain any hesitation or doubt founded on former prepossessions not then sufficiently combated and removed.

I flatter myself that this latter communication will have the weight with Congress to which it is entitled, and dispose it to decide this affair in a manner which the claimants confidently expect from the justice of the United States.

Be pleased, sir, to receive the assurances of my high consideration.

The Envoy Extraordinary and Minister Plenipotentiary
of H. M. C. M. in the United States.

G. HYDE DE NEUVILLE.

No. 65.

Mr. Gallatin, Envoy Extraordinary and Minister Plenipotentiary of the United States, to the Duke de Richelieu, Minister of Foreign Affairs.

PARIS, December 2, 1816.

MONSIEUR LE DUC: The late Mr. de Beaumarchais' accounts with the United States, having been settled according to law by the Comptroller of the Treasury, the claim of the heirs, on account of the million of francs, which they complain to have been unjustly charged to Mr. de Beaumarchais, by that officer, is still before Congress for their ultimate decision. For that reason, and, also, because it was stated in the letter which your excellency addressed to me on the 11th of October last, on that subject, that M. Hyde de Neuville was instructed to insist on a final decision of that claim, it appeared that the natural course for me was to transmit your excellency's letter to my government, which has accordingly been done.

Knowing, however, that the government of the United States is not less anxious to pay its just debts, than bound to repel unfounded claims, I beg leave to present to your consideration some observations on that affair, with no other motive than that of obtaining, if practicable, such elucidations as may enable Congress to repair the wrong, if any has, in this case, been done, by the department of accounts.

It has been fully established, and is not denied by the parties, that one of the three millions stated (in the preamble of a contract, settled on the 25th February, 1783, between Count de Vergennes and Dr. Franklin,) to have been an aid and subsidy granted as a gratuitous assistance prior to the treaty of February, 1778, by his most Christian Majesty, to the United States, was paid on the 10th day of June, 1776, for the use of the United States, or for some object connected with their interest, but not to any of their agents; and that that sum is the identical million which was on that day advanced by the government of France to Mr. de Beaumarchais.

Under those circumstances, the accounting officers of the Treasury of the United States, presuming that the said million had been thus advanced by the government of France, for the purpose of enabling Mr. de Beaumarchais to purchase the supplies intended for the said states; and thinking that, at all events, for the application of a sum granted as an aid and subsidy, he must be accountable to the government which was to receive, and not to that which gave, the subsidy, charged him with the same, and demanded from him an account of its expenditures. This Mr. de Beaumarchais declined doing, because he considered himself accountable for that sum only to the King; and because he thought himself restrained by particular considerations from giving any explanations on that subject.

The government of France has, however, at several times, caused it to be declared: 1st. That the French government had ever been un-

connected (*est reste constamment étranger*) with any of the commercial transactions of Mr. de Beaumarchais with the United States. 2d. That the million had been advanced for a secret political service, and had been applied according to the intentions of the King, and duly accounted for to his satisfaction by Mr. de Beaumarchais.

These declarations did not appear to Congress sufficient to remove the objections to the claim, because they were consistent with the supposition that the million had been advanced for the purpose of enabling Mr. de Beaumarchais to purchase supplies. By the first declaration, it must have been only intended to exclude the supposition that the French government had any concern in the commercial risks, profits, or losses, of Mr. de Beaumarchais. That it was not intended to convey the idea that they had not made to him sales or advances on account of his supplies, is inferred from the fact, which appears on the face of the accounts, that the artillery, and a part of the military stores, sent by him to the United States, were taken from the King's stores and arsenals. And if the million had been advanced to him for the purpose of purchasing part of the other supplies furnished by him to America, an advance for such an object, at such a time, would certainly have been considered as an expense for a secret political service; and if it had been thus applied by him, it would have been applied according to the King's intentions; and the sum would, by exhibiting the proof of such an application, have been duly accounted for to his Majesty.

Without asking for the disclosure of the true application of that million, and without anticipating what species of proof will satisfy Congress, I may say that a simple but explicit negative declaration, on the part of his Majesty's government, "that the said million was not applied to the purchase of the supplies furnished by Mr. de Beaumarchais to the United States," would have removed the doubts entertained by the officers at the head of the Treasury Department when the account was settled there. It does not belong to me to conjecture whether such declaration can or ought at this time to be made by the government of France. But its importance will be better appreciated, when it is recollected that all the difficulties on that subject have arisen from former partial disclosures by the government of France; and particularly from the assertion made by Count de Vergennes, in the contract of 25th February, 1783, of the said million, as part of the gratuitous aid and subsidies of his most Christian Majesty, to the United States. They were, till that time, wholly ignorant of such an advance having been made for their use; and had it not been thus brought to their knowledge, Mr. de Beaumarchais' claims would, long ago, have been definitively settled and discharged.

I have the honor, &c.

ALBERT GALLATIN.

[TRANSLATED.]

The Duke of Richelieu to Mr. Gallatin.

PARIS, 20th December, 1816.

SIR: I have received the letter which you did me the honor to address to me, on the 2d of this month, in answer to mine of the 11th of October last, on the subject of the claim of the heirs of Beaumarchais.

After informing me that you had transmitted my letter to your Government, you enter into some details of the reasons which have hitherto prevented it from pronouncing on their claims. You are of opinion that the declarations made to Congress, at different times, by the French government, could not have been deemed sufficient to overcome all objections and remove all difficulties. Finally, sir, you express a desire that new information should be given to it, to the end that its future decision may be conformable to the principles of that fair and strict justice which it professes.

I cannot, sir, adopt the opinion manifested by your government. The notes, successively presented by the ministers of France, are so particular and positive, (affirmatives,) that they seem to remove all doubt on the facts of the subject in dispute, and, consequently, all hesitation as to the decision to be given.

It was, in fact, stated, that the French government had no concern in the commercial transactions of M. de Beaumarchais with the United States. By this declaration it was not only intended to convey the idea that the government was no ways interested in his operations, or in his chances of loss or gain; but a positive assurance was also given, that France was wholly unconnected with them; whence, it results, that, in relation to them, she is neither to be considered as a lender, a surety, or as an intermediate agent. The whole of these transactions were spontaneous on the part of M. de Beaumarchais, and the right and agency derived from them, appertain exclusively to him.

If, as is supposed by the committee of the Treasury, permission had been granted to him by the French government, to draw from its arsenals and magazines, the supplies furnished by him to the United States, and the million in question had been advanced to enable him to replace the articles delivered to him, he certainly would have been bound, in the first place, to exhibit to the king's minister a provisional statement, shewing the mode in which they were disposed of, to enable him to receive a provisional acquittance, and subsequently to the treaty of 20th February, 1778, a period which rendered all dissimulation unnecessary, this statement, and its approval, would have been required and delivered according to the usual forms.

It is, however, unquestionably the fact, that nothing of this has been done. The million delivered on the tenth of June, immediately reached its intended destination, and a simple authorization (approve) of the king, but a few months subsequent to the payment of the sum, was the only document, which finally placed the expenditure in the regular train of fiscal settlement.

I am therefore warranted, sir, after a fresh examination of the facts, in persisting in the declarations above stated, and in considering, as a matter of certainty, that the million paid on the tenth of June, was not applied to the purchase of the shipments made to the United States, at that period, by M. de Beaumarchais.

I have reason to hope, sir, that these explanations, which, when taken in connexion with those that have been already offered, may seem superfluous, will throw all the light upon the subject under discussion, that can reasonably be desired. The Congress will thus be enabled to decide the affair promptly and favorably, the issue of which must, however, rest with it, as well in conformity with the common laws of equity, as with the considerations of benevolence and good will towards the family so deeply interested in it.

There is no member of the government who can be ignorant of the services rendered by the head of that family to your cause, and the influence produced on its early successes, by his ardent zeal, extensive connexions, and liberal employment of his whole fortune.

Be pleased, sir, to receive, &c. &c. &c.

RICHELIEU.

[TRANSLATION.]

The honorable the Secretary of State:

SIR: I have the honor to address to you a note, which I solicit of you the favor to submit to the consideration of the President.

I am not very particularly acquainted with the heirs of Mr. Beaumarchais, but the view which has been given to me of the whole affair; the importance which the French government has invariably attached to it, since the year 1778; the instructions which have been sent to me; the interest which the Duke of Richelieu and the Minister of the Interior feel, in relation to that claim; and, above all, the opinion which I entertain of the legality of this debt, of which I have examined and weighed all the circumstances with the most scrupulous impartiality, induce me, with entire confidence, to claim your benevolence in behalf of the daughter of Mr. Beaumarchais, who, by her misfortunes and personal qualities is worthy of it.

Receive, sir, the assurances of my high consideration.

HYDE DE NEUVILLE,

*Envoy Extraordinary and Minister Plenipotentiary
of his most Christian Majesty to the U. S.*

The Envoy Extraordinary and Minister Plenipotentiary of his most Christian Majesty, has the honor to transmit to the Secretary of State, a new expose of the affair of the heirs of the late Caron de Beaumarchais.

The documents which have not been hitherto brought forward, and which are annexed to the present claim, seem to remove every doubt which this debt may have given rise to.

The undersigned Minister Plenipotentiary has received from his government, reiterated instructions to call for another investigation of a transaction which bears every character of justice, and which, under this consideration, cannot fail to engage, in a very particular manner, the attention of his Excellency the President.

The undersigned is particularly enjoined to renew the declaration made by Mr. Gerard, his Majesty's minister, as early as 1778, and subsequently repeated by his successors in this country:

“That the French government has always been unconnected with the mercantile operations of Mr. de Beaumarchais.”

It is likewise his duty to state, that the million which, in 1791, was deducted from the private account of Mr. Beaumarchais, was not paid to him by the French government, on account of supplies furnished to the Americans, but for a secret political service, as appears by the statement submitted to the King by M. de Vergennes, on the 7th of December, 1776, and approved by his Majesty, which exonerates the minister, and places the expenditure in its regular course.

The undersigned deems it proper to recal to mind, that the million in question formed a part of the three millions granted by the King, prior to the year 1778, and the account of which was settled by the convention of the 25th of February, 1783, between France and the American Commissioners.

The latter, doubtless, did not think that they ought to insist on being made acquainted, in a positive manner, with the application of this million; or, if one or more of them were informed of it, they probably thought, and with reason, that the secret, which the King had kept within his own control, could not be divulged without the express sanction of the sovereign who had authorized and rewarded the service.

But the question is not, at best, to know whether the American commissioners were or were not informed of the true application of the million. France has given it; Congress has acknowledged it, in agreeing to the convention of the 25th February, 1783. If, therefore, the employment of this million be not found specifically recorded, it is because certain state policy, at that period, rendered it improper to furnish any other information on the subject.

The undersigned will not examine into the grounds and extent of the measures which have since been adopted to discover a secret, of which his Majesty had thought it expedient to reserve to himself the knowledge; a circumstance which not only explains, but justifies the refusal which M. de Vergennes constantly opposed to the demands which were frequently made on him, for an insight into the affair.

The question to be examined, in relation to the claim of the heirs of Beaumarchais, appears to be solely this:

The million received by Mr. de Beaumarchais from the French Government, and by order of the King, on the 10th of June, 1776—has

it been given to the agent of the United States, on account of supplies furnished by him to the Americans, or only to the French agent, for a secret political service, foreign to commercial operations?

It will be allowed, that, if the million had been remitted on the 10th of June, 1776, to any other individual than Mr. de Beaumarchais, the present misunderstanding would never have taken place. Will the objection be better founded if it should be discovered that Mr. de Beaumarchais really acted in two capacities: as the agent and furnisher of supplies for the United States, and as the secret political agent of the French government?

It is in the latter capacity that he declares he received the million. He affirms that it was received for a secret political service, which had relation to the United States, but for which he had to render an account only to his own government. The account has been rendered by Mr. de Beaumarchais to the minister; by the minister to the King. The affair thus finds its regular adjustment, more particularly as it respects the agent, in a manner not to be contested.

What, then, can be objected to the agent of supplies? That the million remitted to the political agent has been perhaps paid on account of the supplies which he furnished. The government which gave the million declares the contrary. It declares, and it has not ceased to declare, these thirty nine years, that it has been always unconnected with the mercantile transactions of Mr. de Beaumarchais with the United States. How, therefore, upon principles of equity, is it possible to make the commercial agent responsible with regard to an incident which itself cannot in any manner affect the political agent, inasmuch as his government, to which alone he ought to account for the employment of this million, has given an authentic discharge for it, as is proved by the documents of the 7th of December, and 9th of June, 1776; which will be found annexed to the renewal of the claim of the heirs of Mr. de Beaumarchais?

These two documents, written by M. de Vergennes, at that time Minister for Foreign Affairs, and approved by the hand of his Majesty, Louis the XVIth. himself, will serve, without doubt, to remove uncertainties, to dissipate presumptions and probabilities, which in no instance ought to be opposed to a legal certainty.

The French government interferes in this affair only because it is convinced, as the Attorney General of the United States is, that, in justice and in equity, the million which Mr. de Beaumarchais received on the 10th of June, 1776, by order of the King, and for a secret political service, ought not to be charged to his private account.

The undersigned Minister Plenipotentiary, in adverting to the services rendered by Mr. de Beaumarchais during the war of Independence, cannot avoid observing, that, by a series of accumulated misfortunes, his family will be nearly ruined if it does not speedily regain a capital which was devoted to the success of the cause of the United States.

He has, therefore, the honor to request that the Secretary of State will lay his note before the President, in order that this affair, which

has been so long pending, and which is so important to the heirs of Mr. Caron de Beaumarchais, may be submitted to a new investigation, and definitively adjusted and determined.

The undersigned embraces with eagerness this occasion to renew to the Secretary of State the assurance of his high consideration.

G. HYDE DE NEUVILLE.

Washington City, 22d January, 1817.

No. 66.

Message from the President of the United States, accompanied with sundry Documents in relation to the Claim of the Representatives of the late Caron de Beaumarchais.

To the House of Representatives of the United States:

I transmit to Congress the translation of two letters from the Minister of France to the Secretary of State, relating to the claim of the heirs of Caron de Beaumarchais upon this Government, with the documents therewith enclosed, recommending them to the favorable consideration of Congress.

JAMES MONROE.

Washington, 29th March, 1822.

The Baron de Neuville to the Secretary of State.

WASHINGTON, February 26, 1822.

SIR: I have been instructed by my court to call the attention of the Federal government, to the claim of the heirs of Beaumarchais. His Majesty's government indulges a hope that their legitimate and well-founded rights will cease, at least, to be disputed, and that prejudices will yield at length to the influence of indisputable facts, especially when those prejudices are totally ungrounded, and have been abandoned by all those who have maturely examined the case.

The Beaumarchais claim was first produced in 1778.

The French government have never ceased to support it with that interest which every government owes to the just claims of its citizens. It has been earnestly recommended to Congress by Presidents Madison and Monroe.

Mr. Madison, in his message of the 3d January, 1817, expresses himself in the following terms:

“Considering that the sum, of which the million of livres made a part, was a gratuitous grant from the French government to the United States, and the declaration of that government, that that part of the grant was put in the hands of M. de Beaumarchais, as its agent, not as the agent of the United States, and was duly accounted for by him to the French government; considering, also, the *concurring opinions of two attorneys general* of the United States,* that the said debit was not legally sustainable on behalf of the United States, I recommend the case to the favorable attention of the Legislature, whose authority alone can finally decide on it.”

Mr. Monroe says, in his message of January, 1818, “The claim of the representative of the late Caron de Beaumarchais, having been recommended to the favorable consideration of the Legislature by my predecessor, in his message to Congress of the 31st of January last, and concurring in the sentiments therein expressed, I now transmit copies of a new representation relative to it.”

Mr. Gallatin, in his letter of the 2d of December, 1816, to the Duc de Richelieu, owns that a simple, but explicit negative declaration on the part of his Majesty’s government, that the said million was not applied to the purchase of supplies furnished by Mr. de Beaumarchais to the United States, would have removed the doubts entertained by the officers at the head of the Treasury Department, when the account was settled there.

The Duc de Richelieu, whose veracity and loyalty are so well known, made the following answer to Mr. Gallatin, on the 20th of December:

“I am therefore warranted, Sir, after a fresh examination of the facts, *in persisting in the declarations above stated*, and in considering, as a matter of certainty, that the million paid on the 10th of June, was not applied to the purchase of the shipments made to the United States at that period by Mr. de Beaumarchais.” And, finally, the Select Committee charged with the examination of the business, and with reporting to Congress on the subject, acknowledges the rights of the heirs of Beaumarchais in the most solemn manner.† “The committee,” (says the reporter,) “have devoted *much time, and made a laborious examination* of this case; they have been able to discover no reason, why the uniform declarations of the French government should not be credited. *There is no fact to contradict them.*”

“They fully agree with our great Revolutionary financier, (Robert Morris,) that, if any thing is due Mr. de Beaumarchais, the reputation of the country will be compromised until it is paid; that the payment of debts may be expensive, but that it is infinitely more expensive to withhold the payment: the former is an expense of money, when money may be commanded to defray it; but the latter involves the destruction of that source from which money can be derived when all other sources fail. That source, abundant, nay, almost inexhausti-

* C. A. Rodney to the Hon. J. Madison, Dec. 7, 1807; Wm. Pinkney to the Hon. Chairman of the Committee of Claims, Feb. 28, 1812.

† See the report of the 24th of Feb. 1818.

ble, is public credit; the country in which it may, with the greatest ease, be established and preserved, is America. And America is the country which most stands in need of it.' In conclusion, the committee will remark, that *in every point*, in which the case can be viewed by them, *they are fully of opinion*, that the heirs of Mr. Beaumarchais are creditors of the United States."

To such an exposé, his Majesty's government have nothing to add, when they appeal to the equity of this Republic.

I have the honor to be, &c.

G. H. DE NEUVILLE.

[TRANSLATION.]

The Baron de Neuville to the Secretary of State.

WASHINGTON, 27th February, 1822.

SIR: I forgot to add to my letter of yesterday, relative to the heirs of Beaumarchais:

1. The memoir, or recital of the affair to 1817.
2. The President's message of 16th January, 1818.

These pieces, which I have the honor to transmit to you, form, with the report of the committee of the House of Representatives, of the 24th February, 1818, the whole of the necessary documents. If they are not judged sufficient, if a careful examination of them do not produce deep conviction, it must be admitted, sir, that there are some prejudices which can never be overcome.

I dare say that truth never appeared more evident than in this unfortunate and interminable affair; why then does it meet with so much opposition?

Moreover, the heirs of Beaumarchais know that they will not in vain appeal to the *justice* of their judges; prejudice will never be able to overcome justice in their hearts. They, therefore, confine themselves to request of them a strict, a very strict examination of their claim: they only say to them, "We are ruined, because our father rendered services to the Republic, and *our right* is forgotten. Be pleased to read very attentively and *your justice* will proclaim our *right*."

Accept, sir, the renewed assurance of my high consideration.

G. HYDE DE NEUVILLE.

[TRANSLATION.]

The Baron Hyde de Neuville to the Secretary of State.

WASHINGTON, 30th March, 1822.

SIR: A report was put in circulation about two years since, that the heirs of Beaumarchais were no longer proprietors of their claim, and that it had been sold to a third party.

Even if this were true, it would not in any degree invalidate their title; but I can attest, in the most positive manner, that the report is perfectly ridiculous. The claim still remains the property of M. de Beaumarchais' daughter; I will add, that it is the hope, indeed the only remaining hope, of that interesting lady and of her family. Why should she cease to rely upon a title so perfectly legitimate? This would argue a want of confidence in the equity of a whole nation.

The daughter of M. de Beaumarchais must therefore hope, that justice will at last be done to her, and that, after suffering many privations, she will at last be able to hand down to her children the inheritance of her father.

Accept, sir, the assurance of my high consideration.

G. HYDE DE NEUVILLE.

Report of the select Committee, to which was referred the Message of the President of the United States, in relation to the claim of the heirs of the late Pierre Augustin Caron de Beaumarchais, accompanied with a bill relative to the heirs of the said Beaumarchais. January 28th, 1823.

The Committee, to whom was referred the Message of the President of the United States, in relation to the heirs of Pierre Augustin Caron de Beaumarchais,

REPORT:

That this claim has been so frequently under the consideration of Congress, and so long the subject of general interest and inquiry, that the Committee deem it unnecessary to enter into a minute detail of all the facts and circumstances connected with it; more especially, as there have been several reports heretofore made by Committees of this House, to whom the subject was referred, to which your Committee now beg leave to refer and respectfully request, that the same may be considered as forming a part of the present report.—These detailed reports, with the documents which accompany them, it is believed, present such a view of the case, as will enable the House to judge fairly of its merits; the Committee will, therefore, content

themselves with presenting the general result of their investigation, rather than the reasoning and arguments, by which that result has been obtained.

The present application, on the part of Mrs. Eugenia Beaumarchais Delarue, (the daughter of the late Caron de Beaumarchais,) is for the sum of *one million of livres*, (equal to \$185,185 18 cents,) besides interest, which is alleged, has been improperly deducted from the account of her father against the United States, in the final settlement at the Treasury, in the year 1805. This settlement is admitted to be conclusive between the Representative of Beaumarchais and this Government, except, *as to this million of livres, claimed by the United States as a credit*, against the admitted balance of Beaumarchais' account. The right to discount this million, is maintained on the part of the United States, upon the ground, that it was one of the three millions of livres, admitted (on the contract entered into on the 25th of February, 1783, between the Count Vergennes and Doctor Franklin,) to have been *gratuitously given*, before the treaty of 1778, by the King of France to the American government, as *aid and subsidy*; that it was received by Beaumarchais on the 10th day of June, 1776, for the *use and benefit of the United States*, and that he is bound to account for its application to the American government, or, stand chargeable with its amount.

The Committee are of opinion, that *two questions* only arise in this case, which are necessary at this time to be considered and decided; the first is, whether the one million of livres admitted to have been received by Beaumarchais, in June 1776, was one of the three millions *given by France to America*, and mentioned in the contract of 1783; and, secondly, if so, whether it was received by Beaumarchais, as the *Agent of the United States*, and used by him in procuring the arms and supplies furnished to the United States, and charged in his account against them.

As the amount of Beaumarchais' account is admitted to be just, by the settlement at the Treasury, in 1805, this government must sustain, by proof, both the foregoing propositions, before it can rightfully discount this million; and if they fail in making good the discount, it follows, that the million is still due to the heirs of Beaumarchais, and ought to be paid.

The first point is very clearly made out, in the opinion of the Committee. They are satisfied, that the million of livres paid to Beaumarchais on the 10th of June, 1776, was one of the three millions mentioned in the preamble to the contract of 1783, and that it was received by Beaumarchais from the King of France, to be used in *some secret service*, connected with the interests of the United States, and to aid them in their contest with Great Britain.

The testimony and circumstances in the case, establish conclusively these facts: but upon the *second point*, it is equally clear to your Committee, that the evidence does not warrant the opinion, that it was used by Beaumarchais, under any obligation of accounting for it to us, or for the purpose of procuring the arms and supplies, furnish-

ed by him to the United States, and charged in his account; on the contrary, they are satisfied, that this million was paid by the French Monarch to Beaumarchais, as *his confidential agent*, for *some secret political purpose*, connected no doubt with the American cause, and intended to be *applied secretly, and in such manner as he should direct*: that this was accordingly done, and in a short period of time after its receipt.

That this million was *not* received by Beaumarchais, as *the Agent of the United States*, but as *the secret confidential Agent of the French government*, your Committee cannot doubt; that he was *responsible only to his own government, and not accountable to ours*, they have as little doubt, nor can they see with what propriety or justice, this *act of confidence*, on the part of Louis the 16th, can, or ought to be seized on by this government, and made an *act of ruin* towards this generous and distinguished foreigner, or his orphan daughter.

The Committee are therefore of opinion, that the American government is *not entitled to offset this million*; that the evidence, both upon legal and equitable principles, not only falls short in sustaining this right, but it is wholly insufficient to raise even a well founded presumption, that is was used by Beaumarchais in any way to authorize this government to debit him with the amount, or hold him responsible for its application.

This opinion of your Committee has not been *hastily* formed; the interesting and important character of the claim, originating in transactions immediately connected with our Revolutionary struggle and independence, and attended with such peculiar circumstances, induced your Committee to give it a *patient and thorough* investigation; and they feel all that confidence in the result of their labors which the most diligent examination and impartial consideration can give.

They, therefore, recommend that provision be made by law, for the payment of *one million of livres*, with interest, to the daughter of Beaumarchais, and for that purpose they ask leave to report a bill.

